

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Appellate Case No. 2013-000015

RECEIVED

JUN 13 2013

S.C. Supreme Court

NORMA HALL, 283470,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

**APPENDIX
TO
PETITION FOR WRIT OF CERTIORARI**

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Appendix

VOUME I of II

Index	i
Guilty Plea/Sentencing Transcript Volume I dated April 10, 2002	1
Guilty Plea/Sentencing Transcript Volume II dated April 15, 2002	84
Guilty Plea/Sentencing Transcript Volume III dated April 17, 2002	153
Guilty Plea/Sentencing Transcript Volume IV dated April 18, 2002	223
Final Brief of Appellant dated October 7, 2003	479

VOUME II of II

Final Brief of Respondent dated October 7, 2003	494
Final Reply Brief of Appellant dated October 7, 2003	515
S. C. Court of Appeals Opinion No. 2004-UP-145 filed March 1, 2004	524
Remittitur from the Court of Appeals dated March 18, 2004	526
Application for Post-Conviction Relief (2005-CP-18-288) filed February 15, 2005	527
State's Return dated March 22, 2006	537
Clerk of Court Records	542
SCDC Records	548
PCR Hearing Transcript dated April 23, 2007	550
Order of Dismissal filed October 24, 2007	611
Application for Post-Conviction Relief (2011-CP-18-533) filed March 14, 2011	619
State's Return and Motion to Dismiss dated July 27, 2011	626
Consent Order for Austin Review filed November 30, 2012	633
Notice of Appeal filed January 2, 2013	635

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
: COUNTY OF DORCHESTER) CASE NO. 2001-GS-18-1126

 **ORIGINAL**

STATE OF SOUTH CAROLINA,) VOLUME I (Pages 1 - 83)
:)
Plaintiff,) TRANSCRIPT OF RECORD
:)
-versus-) GUILTY PLEA/SENTENCING
:)
NORMA PATRICK HALL,) April 10, 2002
:)
Defendant.) St. George, South Carolina

B E F O R E:
The Honorable Diane S. Goodstein

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
C-01	Report of Findings.....	8	
C-02	Five Photographs of the Victim...	37	

1 (Wednesday, April 10, 2002.)

2 THE COURT: Good afternoon, everyone.
3 It's my understanding that we are here this
4 afternoon for the purpose of conducting a
5 hearing regarding a plea, as I understand
6 it. And if you'll introduce it for me,
7 Mr. Bailey.

8 MR. BAILEY: That's correct, Your
9 Honor. Your Honor, the State would call the
10 Court's attention to indictment
11 2001-GS-18-628, that indictment charges
12 Norma Patrick Hall with the offense of
13 murder. And also 2001-GS-18-1126, charging
14 Ms. Hall with homicide by child abuse. Both
15 of those indictments have been true billed
16 by the grand jury. As part of the plea
17 negotiation the State is not prosoing the
18 murder indictment at this time and
19 proceeding on the homicide by child abuse.

20 If I can approach the bench I'll
21 hand you the indictment.

22 THE COURT: Thank you. Yes, sir. All
23 right. I think the record needs to reflect,
24 and counsel I know you are certainly aware
25 of the fact that I know Ms. Hall, I know her

1 in her capacity when she worked for
2 Dorchester County in the '80s, 1988
3 particularly, I was a Dorchester County
4 attorney and it is my understanding that she
5 worked as an administrative assistant in
6 some capacity with the then county
7 administrator and had occasion -- I had
8 occasion to call the county administrator
9 fairly frequently and she would answer the
10 phone.

11 It's my understanding that both of
12 you are aware of that. I think we went over
13 this at the bond hearing, but I renew that
14 information for you and ask you if you wish
15 to go forward knowing that. Mr. Bailey?

16 MR. BAILEY: The State understands
17 that, we have no problem at all, we don't
18 see any conflict of interest. If there's
19 any appearance of that we would waive any
20 such concern.

21 THE COURT: Mr. Bolus?

22 MR. BOLUS: Ms. Hall understood that at
23 the bond hearing and she understands that
24 now and desires to go forward. She sees no
25 conflict that would act to her detriment at

1 least, anyway.

2 THE COURT: Thank you, Mr. Bolus.

3 Thank you, gentlemen.

4 All right. For purposes of just
5 the number of people, it is my understanding
6 that you all will remain at counsel table.
7 And I gather that's acceptable to both of
8 you; is that right?

9 MR. BAILEY: Yes, ma'am.

10 THE COURT: Rather than approaching the
11 bar, all right. Very well.

12 Mr. Bolus, if you want to stand
13 with your client.

14 MR. BOLUS: You want us up here?

15 THE COURT: If you care to that's fine,
16 or you can stay where you are if you wish.

17 MR. BOLUS: Thank you.

18 THE COURT: All right, sir.

19 You are Ms. Norma Patrick Hall?

20 MS. HALL: Yes, ma'am.

21 THE COURT: At this time Ms. Etheredge
22 will wear you in in this matter.

23 (Whereupon, Norma Patrick Hall is duly
24 sworn.)

25 THE COURT: All right. Ms. Hall, you

1 are represented by Mr. Tommy Bolus?

2 MS. HALL: Yes, ma'am.

3 THE COURT: All right. Mr. Bolus,
4 Ms. Hall indicates that you represent her.
5 Is that correct?

6 MR. BOLUS: Yes, ma'am.

7 THE COURT: All right, sir. Now,
8 Mr. Bolus, have you explained to Ms. Hall
9 the charge contained in the indictment
10 against her, including the possible
11 punishment and her constitutional rights,
12 including her rights to a jury trial?

13 MR. BOLUS: Yes, ma'am. On numerous
14 occasions. And I spent about 30 minutes
15 with her going over the statute, 16-3-85, so
16 that she could understand exactly what she
17 was pleading guilty to today.

18 THE COURT: All right, sir. And in
19 your opinion, does she understand the nature
20 of the offense --

21 MR. BOLUS: Yes, ma'am.

22 THE COURT: -- the maximum possible
23 punishment and her constitutional rights?

24 MR. BOLUS: Yes, ma'am. She
25 understands all those.

1 THE COURT: Does she wish to plead
2 guilty or not guilty?

3 MR. BOLUS: She wishes to plead guilty.

4 THE COURT: And do you concur, do you
5 agree with that decision to plead guilty?

6 MR. BOLUS: I think her guilty plea
7 squarely fits within the parameters of the
8 statute and she also agrees that it does,
9 too.

10 THE COURT: From your investigation of
11 the facts and circumstances of this case, do
12 you believe that the State could produce
13 sufficient evidence to convince a jury of
14 Ms. Hall's guilt beyond a reasonable doubt,
15 and if she was to stand trial that her
16 conviction would be probable?

17 MR. BOLUS: I've told her that her
18 conviction would be probable.

19 THE COURT: All right, sir. And is
20 there any question regarding Ms. Hall's
21 competency?

22 MR. BOLUS: We have a Hall Institute
23 evaluation that shows her to be competent,
24 sane, although at the time, at the time that
25 she committed the acts, the institute report

1 itself said she had a psychosis,
2 methamphetamine-induced psychosis. I also
3 have Dr. Watts from Columbia who would
4 testify as to her condition, but it wouldn't
5 be to the point where she was insane or
6 incompetent to understand what happened and
7 what's happening today.

8 THE COURT: Very well. And I would
9 like to make that a Court's Exhibit, if you
10 can pass that mental examination up for me.
11 There's no question regarding her competency
12 as I read the report from the Hall
13 Institute, Mr. Bolus, and I'm sure at some
14 point you will tell me more about her state
15 on the day or dates of these events, but
16 clearly there seems to be no question
17 regarding her competency.

18 MR. BOLUS: We would use the report for
19 mitigating circumstances for your
20 sentencing.

21 THE COURT: Very well. All right.
22 (Marked for purposes of the record was
23 Court's Exhibit 1, report of findings.)

EXAMINATION

25 BY THE COURT:

1 Q. Ms. Hall, I'm going to be asking you many
2 questions. If you do not understand my question,
3 please don't answer it, but do let me know that
4 you don't understand my question. And if you
5 need to take a break at any point in time,
6 particularly to talk to your attorney, I want you
7 to feel free to do that, all right?

8 A. Yes, ma'am.

9 Q. All right. Now, tell me how old you are.

10 A. I'm 39.

11 Q. And how far did you go in school?

12 A. I completed. I have a high school diploma.

13 Q. All right. And I was noticing from the
14 report that you attended Trident Tech for some
15 period of time?

16 A. Yes, ma'am. That's correct.

17 Q. How long did you attend Trident Tech?

18 A. Off and on with various issue -- a business
19 degree and also in horticulture.

20 Q. All right. Tell me where you were most
21 recently employed.

22 A. At Hess in Jedburg, South Carolina, a
23 convenience store.

24 Q. And how long ago was that?

25 A. I started working there in January of 2000

1 and ended my employment there in October of 2000.

2 Q. Are you currently married?

3 A. Yes, ma'am. I am.

4 Q. And I'm certainly sensitive of why we're
5 here today, but do you have surviving children?

6 A. Yes, ma'am. I do.

7 Q. All right. How many?

8 A. I have a son, David [REDACTED] P [REDACTED], who is
9 17 years of age, and I have a daughter, Allison
10 [REDACTED] P [REDACTED], who is six years of age from a
11 previous marriage of 18 years.

12 Q. Have you ever been treated for alcohol, drug
13 abuse, or mental illness?

14 A. No, ma'am. I have not. But I am in dire
15 need of such.

16 Q. Within the last 24 hours have you taken any
17 alcohol, drugs, or prescription medications?

18 A. No, ma'am. Absolutely not. I've been
19 incarcerated for the last 347 days.

20 MR. BOLUS: Excuse me, Your Honor.

21 Judge, you asked her if she had ever been
22 treated?

23 THE COURT: Ever.

24 MR. BOLUS: I made her aware that she
25 was treated by doctors in Oregon.

1 Would you explain that to the
2 judge?

3 A. Excuse me, Your Honor, I misunderstood.
4 Would you repeat that, please?

5 Q. Let me ask the question again. Have you
6 ever been treated for alcohol, drug abuse, or
7 mental illness?

8 A. For depression, yes, ma'am, in 1996.

9 MR. BOLUS: I attempted to get some
10 records from a Dr. Dargon, I think it was
11 out in Georgia. I wrote that doctor twice
12 and never heard anything, but I understand
13 she was treated for depression, post-partum
14 depression after the birth of her daughter.

15 THE COURT: All right.

16 Q. How long were you treated for depression?

17 A. For a couple months.

18 Q. Are you today aware of any physical or
19 emotional, nervous, alcohol, medication or drug
20 problem, or any problem that you have that might
21 or could in any way interfere with your ability
22 to know what you are doing here today?

23 A. No, ma'am. I totally understand.

24 THE COURT: And do you concur with
25 that, Mr. Bolus, Ms. Hall is well aware of

1 what she is doing today?

2 MR. BOLUS: Since I was hired in
3 November, five and a half months ago, she's
4 made great strides, I'm able to communicate
5 with her as if -- almost as good as I can
6 with my wife, which is pretty good most of
7 the time. She has made vast improvements in
8 jail and I think it's because she's been
9 sober.

10 Q. Ms. Hall, it is my understanding that you
11 intend to plead guilty to the offense of homicide
12 by child abuse pursuant to 16-3-85 of the South
13 Carolina Code of Laws. I would tell you that
14 based upon my interpretation of the statutory
15 provisions, that this particular offense carries
16 with it a maximum possible penalty of life and a
17 minimum penalty of 20 years in prison. And I
18 would ask if you understand, first of all, the
19 nature of this offense as well as the maximum
20 possible punishment?

21 A. Yes, Your Honor.

22 Q. All right. In other words, you're looking
23 at incarceration of prison time of a period
24 between 20 years and life.

25 A. Yes, ma'am.

1 Q. All right. There are also other
2 consequences to this plea, and I certainly want
3 to talk to you about those as well and be sure
4 you understand them. This offense is a violent
5 offense. It is also a most serious offense and
6 it's important that we talk about that.

7 In South Carolina we have what is
8 called the two strike- three-strike rule. And if
9 you are convicted in the course of your life of
10 two most serious offenses, then upon the
11 conviction of the second most serious offense,
12 then you would receive a penalty or incarceration
13 of the rest of your life in prison without the
14 possibility of parole.

15 That is a consequence to this plea in
16 that this is a most serious offense and this is
17 then a strike. If you ever are convicted of
18 another most serious offense in your life, then
19 you would spend the rest of your life in prison
20 without the possibility of parole. Do you
21 understand that this is a consequence of your
22 plea?

23 A. Yes, ma'am. I fully understand, Mr. Bolus
24 explained that to me previously.

25 Q. Very well. This is also what is called a no

1 parole offense, which means that upon conviction
2 of homicide by child abuse that you cannot
3 receive parole. Do you understand that as well?

4 MR. BOLUS: Judge, Mr. Bailey and I
5 have had conversation on this. There's no
6 parole, but we both agree and I hope Your
7 Honor agrees, because I've told my client
8 that she's still entitled to the good-time
9 credits of 15 percent, the way we understood
10 the statute. But if it had been life and 30
11 years she would not have been eligible for
12 any kind of discount. So I hope we're right
13 on that because I've told her that many
14 times, that she could still be eligible for
15 parole after 85 percent depending on the
16 circumstances.

17 THE COURT: All right. Mr. Bailey, do
18 you concur with that?

19 MR. BAILEY: I concur in substance.
20 It's not actually parole and she would not
21 be entitled to the good-time credit.

22 MR. BOLUS: That's right.

23 MR. BAILEY: She may be eligible for
24 it. She might get it and she might not, it
25 would be a possibility.

1 MR. BOLUS: That's our understanding.

2 I used the wrong word. But at least she has
3 a chance if there was a 30-years sentence of
4 being eligible four and a half years sooner
5 than if it was an imprisonment for 30 years
6 for murder.

7 THE COURT: Right. She will serve
8 85 percent minimally.

9 MR. BOLUS: At least.

10 Q. All right. Do you understand that,
11 Ms. Hall?

12 A. Yes, Your Honor.

13 Q. All right. And this may or may not be an
14 offense for which the child abuse registry would
15 be applicable. I think that for your purposes
16 and the purposes of this plea you need to know
17 that that is a likelihood, that you may be listed
18 on the child abuse registry. Do you understand
19 that as well?

20 MR. BOLUS: She understands. She said
21 she didn't actually abuse her child in terms
22 of 'premeditation and all that, but I've told
23 her that it appears to me that she certainly
24 would be on the list once her conviction
25 is -- if it happens.

1 Q. Do you understand that, whether you agree
2 with it or disagree with it, Ms. Hall, that you
3 will be listed on the child abuse registry? The
4 question is not whether you agree with it, but do
5 you understand that that is a consequence of
6 pleading guilty here today?

7 A. Yes, ma'am. I understand.

8 Q. All right. You're not currently on
9 probation or parole, are you?

10 A. No, ma'am.

11 Q. All right. Understanding then the nature of
12 the offense, the maximum possible punishment and
13 consequences of a plea of guilty to homicide by
14 child abuse, tell me how you wish to plead.

15 A. Guilty, Your Honor.

16 Q. Do you understand now that when you plead
17 guilty that you give up certain important
18 constitutional rights? You give up the right to
19 remain silent which is waived when you plead
20 guilty, is preserved for you at trial. You give
21 up the right against self-incrimination, which
22 again is preserved for you at trial, you waive
23 when you plea. Presumption of innocence, you
24 waive that as well. You waive your right to
25 require the State to prove you guilty beyond a

1 reasonable doubt if they can, the right to
2 confront witnesses, the right to compel the
3 attendance of witnesses in your defense, the
4 right to present any defenses, the right to
5 challenge any incriminating statements that you
6 may have made in this case, your right to a jury
7 trial. And there are others. Do you understand
8 these rights?

9 MR. BOLUS: I've explained to her that
10 you're not meaning that we still have the
11 right to put up our people that would say
12 certain things, she's not giving up those
13 rights. And, if the prosecutor said
14 something that we don't agree with obviously
15 she might disagree and tell you that it
16 might not have happened that way, but she --
17 I don't think you meant it that way.

18 Q. As a part of the process if I accept the
19 plea, then there will be an opportunity to show
20 both aggravating circumstances and mitigating
21 circumstances. The aggravating and the
22 mitigating circumstances have relevancy insofar
23 as the sentence is concerned, but it is
24 absolutely essential that you understand that the
25 rights that I have just enumerated to you are

1 absolutely given up and waived and gone if you
2 plead guilty.

3 Because, you see, you are absolutely
4 under our state and federal constitution entitled
5 to a trial. You are entitled to remain silent,
6 you are entitled not to incriminate yourself, you
7 are entitled to the presumption of innocence, you
8 are entitled to require the State to prove you
9 guilty beyond a reasonable doubt if they can and
10 the right to confront witnesses, you are entitled
11 to a jury trial on the issue of guilt.

12 It is absolutely essential that you
13 understand that when you plead guilty that you
14 give up all the rights regarding your jury trial
15 and those protections regarding a jury finding
16 your guilt or your innocence. Sentencing would
17 be for the Court irrespective of the fact that
18 you have pled guilty. But it is essential that
19 you understand that in order for you -- or as a
20 consequence to you pleading guilty that you waive
21 very important constitutional rights, those
22 particularly that I have just enumerated for you.
23 And I would ask if you understand these rights?
24 A. Yes, ma'am. I understand.
25 Q. And do you wish to give up these rights and

1 enter a plea of guilty?

2 A. Yes, Your Honor.

3 Q. All right. Ms. Hall, do you clearly
4 understand that if you plead guilty that you
5 waive a right to have a jury determine your guilt
6 or your innocence, and that if I accept your plea
7 that I will sentence you?

8 A. Yes, ma'am. I understand that you will be
9 sentencing me.

10 Q. Okay. Do you understand clearly that if you
11 plead guilty that you waive your right to have a
12 jury determine your guilt or your innocence?

13 A. Yes, ma'am. I understand.

14 Q. All right. Understanding then the nature of
15 the charge, the possible penalties, the other
16 consequences that I've just discussed with you
17 and your constitutional rights, do you still wish
18 to continue with this plea of guilty? You need
19 to tell me, Ms. Hall, you're looking to
20 Mr. Bolus. And this is very important, you need
21 to be satisfied of these things. If you need to
22 speak with your attorney or if this is something
23 you do not wish to do, that's your decision.

24 So if you need to consult with
25 Mr. Bolus, that's perfectly fine, but you have to

1 decide for yourself whether or not you understand
2 the nature of the charge, the possible penalties,
3 the other consequences which we have discussed,
4 and your constitutional rights and understanding
5 those matters if you wish to continue with this
6 plea.

7 A. Yes, ma'am.

8 Q. All right. Now, are you pleading guilty
9 here today because you are, in fact, guilty?

10 A. Your Honor, I am guilty of reckless
11 indifference. I am guilty of not supplying
12 adequate care to my child, I am guilty of having
13 an accident while being under the influence of
14 methamphetamines, I am guilty of those things,
15 Your Honor.

16 MR. BOLUS: Judge, this is what we
17 talked about in chambers.

18 THE COURT: I'm well aware of that, and
19 the statute clearly applies to what she's
20 just indicated to me.

21 Q. Now, I'm going to ask you to listen very
22 carefully because I'm going to ask Mr. Bailey,
23 the solicitor, to give me a recitation of the
24 facts which the State stands prepared to prove at
25 trial.

1 THE COURT: I'm going to ask you to
2 refrain from the aggravating circumstances.
3 Although there's certain things that
4 certainly you're going to need to tell me,
5 Mr. Bailey, but I'm going to ask you to do
6 so understanding that if the plea is
7 accepted that I'll hear testimony regarding
8 aggravation and mitigation.

9 MR. BAILEY: Yes, ma'am. And bearing
10 that in mind, Your Honor, I would like to go
11 into a good bit more detail than I
12 ordinarily would in presenting the guilty
13 plea due to the seriousness of the case and
14 also the range of discretion that would
15 depend on the facts presented to you. So if
16 I can go ahead and begin now.

17 Your Honor, this began on Friday,
18 April the 20th. Ms. Hall was home with her
19 husband, Randall Hall, and her six-month-old
20 son, Harley Benjamin Hall. At about three
21 o'clock that afternoon she left to cash her
22 husband's paycheck and he never saw his son
23 again.

24 . She was seen at a convenience
25 store, she was seen at a gas station, she

1 was seen the following day at the Grits
2 Festival in St. George sometime that
3 Saturday. She disappeared that Saturday,
4 was not seen by anybody, was not seen
5 Sunday.

6 On Monday, which would have been
7 April the 23rd, she called her friend,
8 Pamela Eckert, and asked Ms. Eckert to come
9 pick her up. This is on Monday morning. On
10 the telephone she told Ms. Eckert that her
11 husband, Randall Hall, had left her and the
12 baby in the woods to die and she wanted to
13 be picked up at lot 7, which is a vacant lot
14 near her home.

15 Ms. Eckert went and picked her up.
16 And after picking her up, Ms. Hall persuaded
17 her to go to the mobile home where Ms. Hall
18 lived and pick up some suitcases and a gun.

19 They put those items in her van.
20 Ms. Eckert started driving, she drove to
21 Ridgeville. Ms. Eckert saw an EMS van or
22 ambulance that was on the side of the road
23 in Ridgeville.

24 When Ms. Eckert picked Ms. Hall up
25 she was half dressed, she was dirty, she was

1 scratched up, she was obviously in an
2 emotional state. Ms. Eckert was obviously
3 concerned about her condition. When she saw
4 the EMS vehicle she stopped. And prior to
5 stopping when Ms. Eckert asked her about the
6 baby because she was by herself, the baby
7 was not with her, she didn't seem to want to
8 address the baby to any great extent. She
9 was concerned about her appearance, that she
10 was dirty and that she smelled bad.

11 On the way to Ridgeville and
12 before stopping at the EMS ambulance, she
13 went into some detail about what she said
14 had happened since Friday. She said that
15 she had been in the woods. This was a
16 hunting club that backed up to her property.
17 She said her husband and the husband's
18 girlfriend had used her for target practice
19 and that ~~VICTIM~~, the baby, was dead. She
20 said that she gave him mouth to mouth
21 attempting to revive him, but he was not
22 breathing had a glaze over his eyes.

23 She said on Friday she and her
24 husband had argued and she had left. On
25 Saturday they had gone down this dirt road

1 by her house to see if her husband was there
2 and the car had gotten stuck. She said it
3 got dark, she heard voices of people who
4 threw rocks at her car and tormented her
5 throughout the night.

6 She said the next morning she took
7 the baby out of the car and started walking
8 to find water, so she could make him a
9 bottle. She had formula with her.

10 She said somebody came up behind
11 her, put something around her neck and her
12 husband's girlfriend took the baby and
13 killed him, threw him in a canal and told
14 her husband, Mr. Hall, to kill her. She
15 said she ran away and they followed her and
16 shot at her and she said she could see laser
17 sites from the rifles where they were
18 shooting at her. And she got away.

19 She had a picture of the baby in
20 her pocketbook and told Ms. Eckert that's
21 all I have left of him. When she got to
22 Ridgeville, saw the EMS van, Ms. Eckert
23 stopped and at that point Ms. Harley [sic],
24 and I'm quoting what Ms. Eckert told me,
25 said, "What in the fuck are you doing?" She

1 did not want her to stop for the EMS people.
2 Ms. Eckert said that she never asked for
3 medical care, she never asked to see the
4 police.

5 Ms. Eckert said that Ms. Hall was
6 familiar with the wooded area behind her
7 house, that she had been there on other
8 occasions attempting to spy on her husband
9 because she thought the husband was doing
10 something with a girlfriend inside of the
11 house and that they were -- on occasion
12 Ms. Hall would go in the woods for four or
13 five hours to attempt to spy on her husband.

14 There were two EMS attendants,
15 Shawn Vincent and Bryan Cox. Mr. Vincent
16 said that when Ms. Eckert stopped that he
17 confronted Ms. Hall, that she was anxious
18 and reluctant to talk, that she refused
19 medical treatment and signed a written
20 waiver of refusing medical treatment.

21 She told Mr. Vincent that she was
22 chased in the woods by her husband and his
23 girlfriend that used her for target
24 practice, they shot at her with a rifle and
25 beat her as they chased her. She said her

1 husband took the six-month-old child, dumped
2 him in a canal and said she believed he was
3 dead. She did not want to divulge the
4 husband's name, where he worked, didn't want
5 her husband contacted. And she was
6 convinced the child was dead, but said that
7 she was unsure how the child had died.

8 The other attendant, Mr. Cox,
9 talked to her separately, also said that she
10 was anxious and reluctant to give any
11 information to them, that she refused
12 medical treatment. She said that her
13 husband and his girlfriend had held her
14 captive and beat her.

15 She then claimed they chased her
16 through the woods, shot at her, said someone
17 shot at her with a laser scope rifle. She
18 said the husband took the six-month-old
19 child from her and she saw him in a canal.
20 She said she hid in the woods until it was
21 safe to come out.

22 Her story then changed. She then
23 started talking about driving the car and it
24 got stuck on Powder Horn Road, which is a
25 separate piece of property, this is not the

1 same property we're talking about, that she
2 got lost in the woods and couldn't find her
3 way out until that Monday and claims her
4 husband had taken the baby.

5 EMS people contacted Dorchester
6 County Sheriff's Office and Detective Moses
7 Smalls responded to Ridgeville. They
8 decided to go to the Ridgeville police
9 station to further interview Ms. Hall to try
10 to find out what had happened to the baby.

11 When they got there, she told
12 Mr. Smalls that she thought her husband was
13 having an affair, that she went looking for
14 the husband on the property behind her
15 trailer and while she was looking for the
16 husband her car got stuck in the woods and
17 she got lost.

18 She said that she got out of the
19 car with her son and started walking, some
20 people chased her, pointed a rifle at her
21 again, saying there was a laser scope on the
22 rifle. That she ran, they caught her and
23 killed the baby and threw him in a canal.
24 And she described the canal as having water
25 in it. And said that night that she hid in

1 the woods, she covered herself with straw to
2 keep the misquotes off of her.

3 And when it was asked who these
4 people were that had chased her, she at
5 first said that she didn't know, then she
6 said it was her husband and that she could
7 recognize the husband because of his hat and
8 glasses that this person wore. She didn't
9 give the husband's name, refused to tell who
10 he was, but finally said he worked at a
11 particular construction company and then
12 finally gave Mr. Smalls her husband's name.

13 She contended this had happened on
14 Friday, which could not have been correct
15 because she was seen at the Grits Festival
16 with the baby on Saturday, but this was one
17 of the statements that she gave.

18 Mr. Smalls contacted detectives to
19 come out and meet with them. She talked to
20 Mike Miller who was a detective with
21 Dorchester County Sheriff's Office and she
22 told Mr. Miller that she went into the woods
23 to go sight seeing, to look around, and she
24 took an unknown road and became stuck. She
25 said that night was uneventful and quiet.

1 She changed from the story of people
2 throwing rocks and that type of thing, now
3 it was uneventful and quiet.

4 In the morning she went to get
5 water for the baby from a canal and several
6 people came out of the woods, surrounded her
7 and the baby and she was attacked. She said
8 the baby was grabbed from her arms by a
9 woman that she believed was her husband's
10 girlfriend, and she said a man with a mesh
11 hood whose voice was that of her husband,
12 who wore a cap, name brand hat, said, "Kill
13 the baby."

14 She was then knocked on the
15 ground, laser beam was shining on her body
16 and someone was about to shoot her so she
17 ran as hard as she could and said that she
18 heard gunfire. And she said that she
19 believed a group of nine people were
20 pursuing her in the woods.

21 Mr. Miller introduced her to
22 Detective Marshall who ultimately became the
23 case officer in this case, and she then
24 changed her story about it happened Friday
25 night and told Mr. Marshall she'd spent

1 • Friday night at the Super 8 Motel in
2 Walterboro. They checked that out and found
3 out that she was not in the Super 8 that
4 night.

5 Mr. Marshall then took Ms. Hall --
6 a manhunt was starting then to try to find
7 the baby, and she took Detective Marshall,
8 two victim advocates and Mr. Miller, got in
9 the car and went to an area, Powder Horn
10 Road. Again, Powder Horn Road is in the
11 same general vicinity, several miles away
12 from the hunting club where all this
13 happened.

14 She was taking them around to
15 different locations where she had been and
16 they saw nothing in this area. While they
17 were off Powder Horn Road a call comes in
18 over the radio that the Department of
19 Natural Resources had found the property,
20 had found the vehicle, the Hall vehicle
21 stuck on a road on the property behind the
22 Hall's house.

23 It turned out, it was measured
24 later, it was less than a mile and a half
25 from the Hall house. When this call came in

1 Ms. Hall immediately started saying that
2 "I'm familiar with that property. The car
3 is not there, it couldn't be there. Don't
4 go there, there's nothing there. It all
5 happened over here off Powder Horn Road."

6 They did go to the property and
7 the car was, in fact, stuck there, it was
8 identified as being Ms. Hall's car. The
9 baby was nowhere to be found.

10 One of the victim advocates,
11 Martha Bateman, talked to Ms. Hall and said
12 that some people had taken her baby and laid
13 the baby down beside the canal. She said
14 she was trying to get water at the canal,
15 she was grabbed from behind, the baby was
16 taken, she started to run and a man and
17 woman were shooting at her. Later on she
18 contended the people chasing her were her
19 husband and the husband's girlfriend.

20 Tom Marshall, I said before,
21 checked out her story that she had been in
22 the motel in Walterboro and it turned out
23 she had not been there. She then described
24 the land behind the house where she had
25 went, gone into the woods, and she had said

1 that her husband told her that land backed
2 up to her house so she went down there and
3 got stuck.

4 . She said that night after she got
5 stuck she heard things hitting her car and
6 heard people talking. At one point she
7 thought she heard her husband that night in
8 the woods talking.

9 The next morning what she said was
10 Sunday, she got up and she decided to get
11 out of the woods. She said they walked in
12 front of the car, but did not backtrack and
13 go behind the car and follow their tracks on
14 this dirt road to get out. She walked to a
15 canal and this is where she was attacked,
16 she and the baby. And at first she wouldn't
17 tell Mr. Marshall who she thought had
18 attacked her because she said she didn't
19 want to get anybody in trouble.

20 When she was confronted with the
21 fact that she was not in the Motel 8, she
22 then said that she had slept in her car in
23 the cemetery where her father was buried and
24 she again apologized to Mr. Marshall for how
25 she looked, for her appearance.

1 And throughout this conversation
2 with Mr. Marshall she -- her primary concern
3 seemed to be her appearance. Again, she
4 was -- had -- was half dressed when she was
5 found, she was dirty, she was scratched up
6 and was very concerned about that.

7 Alvin Coker, who is one of the
8 detectives, interviewed her. And she said,
9 she told Mr. Coker that two men and
10 possibly -- or possibly a man and a woman
11 dressed in green camouflage clothing had
12 jumped her in the woods taking the baby, one
13 grabbed her around the neck while the other
14 one pulled the baby out of her arms. When
15 the person had the baby she said that she
16 had the baby and let her -- and to let Norma
17 go, they didn't need her anymore. She then
18 ran and one of the people shot at her, she
19 was running away.

20 April 24th, and this would have
21 been Tuesday -- excuse me, yes, Tuesday, Tom
22 Marshall took her out to the site, the
23 child's body still had not been found, there
24 were all kind of law enforcement agencies,
25 DNR, SLED, Lexington County, everybody,

1 hundreds of people out there looking for the
2 child's body. Ms. Hall still contended that
3 she didn't know where the child was.

4 They took her out to where the car
5 was stuck, they took her out to the canal
6 where she said the assault had taken place.
7 The canal was several hundred yards away
8 from where the car was stuck. She described
9 to Tom Marshall again how she had been
10 grabbed and she laid the baby down. And she
11 showed where she ran from that site into an
12 open field.

13 The ground is wet and muddy.
14 Mr. Marshall and the other investigators
15 looked around, they found footprints. All
16 the footprints in that area were Ms. Hall's
17 footprints. Some were barefoot prints,
18 others she had her shoes on. The entire
19 area she was moving all around, there were
20 footprints there, but, again, the only
21 footprints were her footprints, so the story
22 about the assault wasn't making any sense.
23 She showed them where she was allegedly shot
24 at, which was a field near the canal.

25 Mr. Marshall searched that entire

1 area. She gave explicit detail about where
2 she was and certain trees were here when she
3 was shot at. There were no shell casings,
4 no indication the trees had been hit,
5 nothing at all to support her story of this
6 attack taking place.

7 On April the 7th, which was a
8 Friday, and the child, of course, had been
9 missing since during that entire week, a
10 fireman, Jeff Worsham, who is part of the
11 search team was searching the area near
12 where the car had been stuck and just on a
13 hunch walked off into the woods by the car.
14 He felt his foot slip on something, he had a
15 bad back and was walking over a little ridge
16 and felt his foot hit something, looked down
17 and there was a -- like a light colored
18 raincoat that obviously was wrapped around
19 some object.

20 He looked at it closer and pulled
21 part of the raincoat back and saw the leg of
22 this child. The child's body was not buried
23 in a grave, per se, it was in some heavily
24 wooded area very close to the car, concealed
25 with straw. And if he hadn't stepped on the

1 baby, it wouldn't have been -- wouldn't have
2 been found. He, of course, radioed for the
3 search team and the child was recovered.

4 And, Your Honor, I have some
5 photographs showing the condition of the
6 body when it was found, how it was wrapped
7 up and then the child's body after it was --
8 the wrapping was taken off. There was also
9 a plastic CVS bag that for some reason was
10 wrapped up inside of the raincoat with the
11 child, and there were pieces of glass on the
12 child's body that were inside of the
13 raincoat which turned out to be glass from a
14 broken window of the car. If I could --

15 MR. BOLUS: Your Honor, I have no
16 objection. We have an agreement on some
17 pictures and that's exactly how the baby was
18 found, but the baby is in a state of
19 decomposition I want you to be aware.

20 THE COURT: Sure.

21 MR. BOLUS: You would be aware of that.

22 THE COURT: Surely. Very well.

23 MR. BOLUS: It's bad.

24 THE COURT: I'll see them now. Clearly
25 at the time of aggravation I think they're

1 appropriate, but Mr. Bailey I gather you
2 think it's important at this part of the
3 plea I'm going to see the photographs. And
4 I think I'll see them now, that will be
5 fine.

6 MR. BAILEY: May I approach the bench?

7 THE COURT: Clearly they're relevant at
8 the time of the sentencing in terms of
9 aggravation, but.... We will mark these as
10 Court's Exhibits as well.

11 All right, sir. Yes, sir. I have
12 reviewed the photographs. They will be
13 marked as Court's Exhibit 2.

14 (Marked for purposes of the record was
15 Court's Exhibit 2, five photographs of the
16 victim.)

17 MR. BAILEY: Your Honor, that same day,
18 the 26th of April -- excuse me, 27th of
19 April -- I'm sorry, let me get my glasses on
20 here -- the same day the body was found
21 Detective Marshall began an extensive taped
22 interview of Ms. Hall, it lasted about five
23 hours and went into a whole lot of detail.
24 And I would like to quote some portions of
25 that interview because it goes into the

1 depth of the deception that was occurring
2 there.

3 Detective Caldwell from SLED was
4 also present at part of that interview.
5 Detective Caldwell says that he wanted to
6 clear up the perception of the events
7 that -- make sure that we're not trying to
8 change or confuse it. And we're not -- he
9 told her we're not into drug relations,
10 we're not narcs. "Did you take any drugs
11 that could affect what you saw?"

12 We're not charging anybody with
13 drugs, we're not trying to elicit from her
14 whether or not any drugs were involved. She
15 says, "I had taken two aspirins and a diet
16 pill on Friday," that she had called and
17 asked for a prescription to be filled.

18 And then Detective Caldwell
19 stated, "I think at one point that you said
20 you were in a motel in Walterboro."

21 And she said, "Well, two minutes
22 later I told, yeah, I was at a cemetery."
23 And she said, "Yeah, within two minutes
24 later." I said [sic], "Well, I got to tell
25 you the truth, I didn't stay in a motel."

1 He later asked her about mouth to
2 mouth. "You described giving mouth to mouth
3 to VICTIM at one time. Did you give him
4 that?"

5 She then says, "I did not. Who
6 said that? I never said that."

7 Now, later on in this account she
8 will give graphic detail about what she said
9 was extensive mouth to mouth efforts to
10 revive the child. Detective Caldwell says,
11 "You haven't told the truth about the events
12 surrounding VICTIM 's disappearance, I know
13 he's dead and you know he's dead, you know
14 that, you've got to get it together here
15 today now."

16 She said, "Why do you say I know
17 he's dead?"

18 And he says, "Because you were
19 there when he died."

20 Ms. Hall said, "Why do you say
21 that, why do you tell me that?"

22 Detective Caldwell says, "You know
23 it's true, too."

24 And she says, "Why do you say that
25 to me?"

1 Detective Marshall then got
2 involved in the interview and says, "Norma,
3 all I want you to do is to tell the truth
4 and be honest and come forth right now,
5 please."

6 She says, "But y'all are going to
7 look me up and put me away for years."

8 Detective Marshall says, "Listen
9 to me, we'll cross that bridge."

10 And she says, "But I don't deserve
11 that much."

12 She later says, "Tom, I didn't
13 kill my little baby."

14 Tom says, "Tell me what happened."

15 She again says, "I didn't kill my
16 little baby."

17 He later says, "Up 'til Sunday
18 morning what happened?"

19 And she says, "It wasn't my fault.
20 When VICTIM woke up I fed him, okay, that's
21 all." She says, "Then he got sleepy, so he
22 goes back to sleep after his first bottle,
23 and I cracked all the windows in the car,
24 you know, about -- I locked the car, I
25 went -- let's go look to see, just like I

1 told you, I went to look and see just what
2 happened, where we were and what direction
3 we were headed."

4 She says, "Tom, I guess he got his
5 little face caught up in the comforter or
6 something, you know how the -- when I got
7 back to the car, when I got back to the car
8 he wasn't breathing." She's now starting
9 the story that the child had smothered. She
10 says, "I hugged him, gave him mouth to
11 mouth."

12 And Mr. Marshall says, "You did?"

13 She said, "Yes, sir. I did. I
14 tried, I tried, I tried, kept trying and
15 trying and trying. I had to try, but he was
16 not doing anything. I knew he wasn't coming
17 back, my little baby." She says, "I didn't
18 kill him, I didn't hurt him. I didn't do
19 it."

20 Detective Marshall says, "After
21 you realized what -- what -- what did you do
22 then?"

23 "You think I'm bad, don't you?"

24 Tom Marshall again asked what happened. She
25 says, "I wrapped him up in one of those

1 little blankets, in a little coat that I
2 had, a raincoat." She says, "Take me there
3 where he's at and I'll take you there."

4 Tom Marshall says, "Tell me where
5 he's at. Why did you take him and put him
6 in the woods or something and bury him?"

7 She says, "I didn't bury him, I
8 just wrapped him in the little coat, put him
9 on the side." She says it was Sunday
10 morning when, you know, that it happened.
11 She said, "I tried to get out of the woods,
12 I couldn't find my way out."

13 He asked her, Tom Marshall asked
14 her about the alleged attack. "What
15 happened there?"

16 She says, "I don't know what made
17 me come up with that." He then asked her
18 what happened when she returned to the car.
19 She said she busted out a window to get a
20 flashlight.

21 He says, "That's the truth?"

22 And she responds "That's the
23 truth."

24 Mr. Marshall says, "From that
25 point on you sat down on the ground. And

1 that's not the truth about these guys,"
2 referring to the people she said attacked
3 her.

4 And Ms. Hall says, "That's a bad
5 lie."

6 He asked about that Sunday night
7 when she had found her way back to the car.
8 She said she busted the window out with a
9 shelf that had been in her car. She alleged
10 that she had been away from the car for
11 about 30 to 35 minutes when she came back
12 and found the child had suffocated in his
13 comforter.

14 Mr. Marshall asked whether or not
15 she put anything on top of him once she
16 placed the body in the woods.

17 And she said, "I might have put a
18 little bit of straw on top of him." He then
19 asked what she said. And she said, "I was
20 standing next to him and the straw and I had
21 to get the hell out of the woods because I
22 had to get help, you know, so I took off
23 running." She then says, "That's the truth,
24 Tom, I'm true, okay?" And Mr. Marshall
25 asked her to write that down and she then

1 gave him a written statement.

2 She then says, "I swear to God
3 actually this is what happened, okay?" And
4 then Tom Marshall tells him [sic] they're
5 going to have to get an autopsy done. And
6 she says, "Good."

7 Tom Marshall says the autopsy
8 should show there was suffocation of some
9 type and asked her whether there would be
10 any bruises on him. She said, "Well, maybe
11 where I tried to do CPR there might be
12 bruises."

13 When he presses her on whether or
14 not she is telling the truth about how the
15 child died, she said, "This is the truth,
16 this is no bullshit, no attitude, no
17 nothing." He then tells her that the body
18 is on the way to the morgue for the autopsy,
19 it will be done that day, then we'll know
20 the truth. Ms. Hall says, "I'm telling you
21 the truth."

22 Mr. Marshall then says, "The true
23 causes of death here, okay?" All right?
24 You doing okay?"

25 And she says, "Like a piece of

1 shit." Later on she says, "I did not kill
2 the baby. He did suffocate, but I did not
3 suffocate him, I did not kill my little
4 baby, I love him."

5 Tom Marshall says, "Was he crying
6 a lot?"

7 "No, no. He's a wonderful baby,
8 he was good, never hardly ever cried." She
9 then got upset about the questions that
10 Captain Caldwell was asking her and told
11 Mr. Marshall she was upset. "Mr. Caldwell
12 can kiss my ass because he isn't going to
13 talk to me like I'm some piece of shit off
14 the street." She again alleged the baby had
15 suffocated, that she didn't kill the baby.

16 Tom Marshall then asked her about
17 possible drug use, reminding her that she
18 had been to the hospital, a drug screen had
19 been done, and asked her about smoking
20 marijuana. She said she smoked marijuana
21 the previous week. She said she smoked a
22 joint the prior Wednesday.

23 "Did you take anything else?"

24 She says, "Friday, diet pills."

25 "Did you drink any alcohol?"

1 Her answer was, "I had a bottle of
2 liquor under my seat."

3 "How about beer, did you buy any
4 beer?"

5 "No, I don't drink beer."

6 He asked her about Dexatrim, she
7 denied taking that. He asked her about
8 antihistamines. She apparently said she
9 took some because she had a headache.

10 The autopsy results had come back
11 during the course of the interview and Tom
12 Marshall at that point knew the cause of
13 death was not suffocation, it was blunt head
14 trauma. And he went to extraordinary
15 lengths to try to get her to -- if it was an
16 accident to tell him it was an accident, to
17 find out what really happened, because they
18 knew based on the autopsy results that the
19 child had not suffocated. He asked her "Is
20 there any other thing that could have
21 happened? You got out of your car and you
22 came back, Harley was deceased?"

23 She says, "Yes."

24 "Are you sure of that?"

25 "Yes."

23 She says, "What?" She then goes
24 into the story about going to the canal and
25 getting the water, putting water on him,

1 trying to give him mouth to mouth.

2 And he says, "Prior to you doing
3 that could something else have happened?"

4 She says, "No, sir."

5 He again asked her what happened
6 because the story doesn't coincide with the
7 autopsy.

8 She says, "Tom, I'm telling you
9 the child wasn't breathing when I got back
10 to the car."

11 He then asked her about the glass
12 on the car, because by that time they had
13 gotten the autopsy results back and he knew
14 there was glass on the child's body. He
15 says, "There's glass on VICTIM on his back."

16 She says, "But I didn't move him
17 until Sunday night after I busted the
18 window."

19 He says, "You had to have broken
20 the window to get the glass on him." He
21 again says, "The autopsy does not show
22 suffocation. Is there anything before I
23 tell you that you can possibly think of how
24 he might have possibly passed away?"

25 She says, "No."

1 He then tells her he died from
2 blunt trauma to the head. "That means he
3 was hit with something, either you hit his
4 head against something."

5 And then she says, question, "I
6 had fallen."

7 Marshall says, "Or you hit his
8 head with your fist or something."

9 She says, "No, Tom, no."

10 Tom Marshall then says, "You hit
11 him somehow, you bumped his head, you rammed
12 his head into something. Can you remember
13 running with him and hitting his head on
14 something?"

15 She says, "No, Tom, I can't."

16 Mr. Marshall says, "You need to
17 try to remember how you hit his head, when
18 you hit his head. This is the time to come
19 clean."

20 She says, "Tom, I didn't, I
21 didn't." She later says she might have
22 fallen. She then says that had it to
23 have -- "I had to have done it when I was
24 running with him from the car to the canal.
25 I don't remember falling down, maybe I did.

1 I don't remember falling down."

2 Mr. Marshall then says, Did you
3 grab him up and shake him, or ram his head
4 into the dash of the car, hit him thinking
5 that would wake him up after he had found
6 her -- after she had found him apparently
7 suffocated according to her story.

8 She says, "No."

9 "Could you have done that?"

10 She says, "Tom, I don't believe I
11 could have." She finally says, "Tom, I
12 didn't hit the baby's head.

13 Dr. Sexton, Dr. Joel Sexton from
14 Newberry conducted the autopsy on the 27th.
15 And Dr. Sexton in his autopsy report and his
16 testimony would be the child died from blunt
17 head trauma, there were four what he
18 characterized as significant blows to the
19 head. One was toward the front of the head,
20 one a little bit to the back of the head,
21 one to the left side, one to the right side.
22 And he said these blows caused a subdural
23 hematoma and subarachnoid hemorrhaging
24 causing the child to bleed to death, that
25 the cause of these blows was a blunt head

1 trauma. And he described the force as being
2 a significant force.

3 And in my interview with
4 Dr. Sexton I asked him if these injuries
5 could have been caused by the child falling.
6 And he said it could not. In his opinion,
7 he said to get injuries to the extent he
8 observed to cause the subarachnoid
9 hemorrhaging, the subdural hematoma, from a
10 fall a child would have to fall the distance
11 from a second floor window to the ground,
12 that's how significant the impact was.

13 And I asked him about whether or
14 not that could have happened if the child
15 was accidentally dropped, for example,
16 running. And he said his opinion it could
17 not because of the nature of the falls. I
18 asked him if the falls could be consistent
19 with a child falling into a canal. And he
20 said, no, that would not be a far enough
21 distance.

22 As far as the cause of the blunt
23 trauma he would say there was no pattern
24 injury; in other words, he couldn't identify
25 it as a stick, or tire iron, or any

1 particular item, just blunt head trauma.

2 . When I inquired about the
3 possibility of the child being injured
4 during a fall, he said that would be a
5 possibility only if the person falling with
6 the child in the process of falling struck
7 the child's head with some boney part of the
8 body, fist, for example, elbow, or knee, or
9 something of that nature. But it would have
10 had to have happened four times, the child
11 would have to receive a significant head
12 injury from a blunt, boney part of the body
13 four times, which would seem to be pretty
14 farfetched.

15 I asked him about any possibility
16 the child had been smothered. And that can
17 be detected very easily by the petechiae in
18 the eyes. He said the child was not
19 smothered; the cause of death was the blunt
20 head trauma.

21 In autopsying the child's internal
22 organs, there was grass in the child's
23 stomach. Now, this is an enlarged
24 photograph taken by Dr. Sexton at the
25 autopsy of the grass in the child's stomach.

1 If you'll note, all of the grass is folded
2 and most of it is double folded and that was
3 found in the child's stomach. And it was
4 such an unusual situation I questioned
5 Dr. Sexton at length about that, asked him
6 about the folding of the grass.

7 Dr. Sexton said that is not
8 consistent with the natural process. In
9 other words, you couldn't swallow the grass
10 and then it would fold up inside of your
11 stomach, that it was folded with human
12 involvement, and that a child six months
13 would not have the manual dexterity to fold
14 that grass up.

15 And he said -- asking about the
16 length of the grass, he said the longest
17 pieces of grass were approximately eight
18 inches. I asked him if it would be possible
19 for the child to swallow the grass in its
20 natural state at eight inches long or so and
21 he said, no, it would not. He said when you
22 try to swallow a very narrow, long object
23 like that your gag reflex would prevent you
24 from swallowing that, your esophagus would
25 close up and you couldn't swallow it.

1 That grass was sent to a
2 naturalist, Rudy Mancke and Mr. Mancke
3 examined the grass, he identified the grass
4 as the kind of grass that would grow in the
5 bottom of a canal in the Lowcountry area.
6 And he agreed with Dr. Sexton that the
7 folding of the grass was not a natural
8 process, it was a manmade process and the
9 child, in his opinion, could not have
10 swallowed the grass himself.

11 So the only conclusion, the logic
12 conclusion, if there is any logic to
13 something like this, would be that there was
14 some effort made to choke the child with
15 that grass, was unsuccessful, and the child
16 swallowed the grass. That is pretty much
17 the extent of it.

18 To my knowledge Ms. Hall has never
19 acknowledged intentionally injuring the
20 child, but the scenario that she gave about
21 the suffocation, the child already being
22 dead, then running with the child could not
23 have occurred because if the child's already
24 dead, then according to Dr. Sexton if the
25 child's dead, she's running with it, she

1 falls, there would be no hematoma, there
2 would be no hemorrhaging because the blood
3 would not be flowing, the body processes
4 would stop. So the child was alive when he
5 received the four blows to the head.

6 And, Your Honor, that in essence
7 is the State's case. And of course I do
8 have some further comments, and people would
9 like to address the Court at the appropriate
10 time.

11 THE COURT: Thank you, Mr. Bailey.

12 MR. BAILEY: Thank you.

13 THE COURT: We are going to take a very
14 short break.

15 The reason that I wanted at this
16 juncture for you, Ms. Hall, to hear the
17 recitation of facts, is, quite frankly,
18 because I'm going to ask you when we return,
19 we're going to take, again, a very short
20 break, whether or not that is what you did.
21 And if you differ substantially from the
22 factual recitation that's been given to me
23 by Mr. Bailey, then I need to hear about it
24 because I need to know what it is that you
25 did so that I may be assured that you are,

1 in fact, pleading guilty to something, that
2 you, in fact, are pleading guilty to
3 homicide by child abuse and that is, in
4 fact, what you did.

5 But we are going to take a very
6 short break, we're only going to take about
7 a five-minute break and we'll do that now.
8 Very well. Thank you.

9 (Recess, from 2:54 p.m. to 3:05 p.m.)

10 BY THE COURT:

11 Q. Ms. Hall, the facts given to me by
12 Mr. Bailey, is that what occurred?

13 A. No, ma'am.

14 Q. Tell me what occurred.

15 A. The things that I disagree with?

16 Q. Well, why don't you tell me what you did.

17 MR. BOLUS: She would like to make a
18 statement later at the end of the thing, but
19 I think maybe just to the point where the
20 baby's out there because we have -- we kind
21 of agree the baby died blunt head trauma,
22 but our position is she thought the baby had
23 suffocated. Now, that's the points of
24 confusion here. And some of the statements
25 that she gave to the police, obviously those

1 are the statements, I've looked at them,
2 I've seen them, I saw them on TV that -- I
3 mean on the video. So there's not a lot of
4 discrepancy, except there's a few things she
5 does disagree with.

6 **THE COURT:** All right.

7 **MR. BOLUS:** But I don't think it would
8 take it out of the statute.

9 **THE COURT:** If you're more comfortable
10 with that we will begin that way, that will
11 be fine. My concern is that when you start
12 disagreeing with the solicitor, then folks
13 tend to kind of start making some
14 self-serving statements and they will
15 self-serve themselves right out of what they
16 say they are guilty of and we may end having
17 to come back to tell me what you did.

18 And you understand, Mr. Bolus, I
19 know it's unpleasant, which is why I asked
20 the solicitor to give me the recitation of
21 the facts, because it takes some of the
22 unpleasantness from folks when they have to
23 say is that what you did. It's easier to
24 say yes, than to say this is what I did and
25 tell me many of the things that the

1 solicitor just told me and that's really the
2 purpose of it.

3 Please understand, and, Ms. Hall,
4 I hope you understand that I have absolutely
5 no interest whatsoever in you pleading
6 guilty unless you are, in fact, guilty, I
7 have no interest in that. This system
8 exists to give people trials, jurors come in
9 for the purpose of hearing disputes. And if
10 you are, in fact, guilty, then I presume the
11 jury would find so. If you are not, then
12 you will not be found guilty.

13 So, you see, I have no interest at
14 all in having someone plead guilty unless
15 they are, in fact, guilty. But if they are
16 guilty, they are guilty. And the statute of
17 homicide by child abuse has many different
18 sections and I just hope that you will be
19 mindful of them. Thank you.

20 Thank you, Mr. Bolus. I'm happy
21 to hear -- I'm happy for her to begin in any
22 way that she's comfortable and then we'll
23 see where we go.

24 A. Your Honor, I did go into the woods that
25 Saturday afternoon which was the 21st of April.

1 I was not in a normal frame of mind, I had been
2 under the influence of amphetamines for days
3 without sleep. I'm sorry that I had conflicting
4 stories, I guess you could say that I did have an
5 induced psychosis after my child died. I was not
6 aware of the time that -- you know, I kept having
7 conflicting stories, I could not remember, even
8 though I guess at times I tried to, but I was
9 unable to recall it.

10 The few times that I knew that I didn't
11 tell the truth, and I stated to that fact like
12 whenever I said I stayed at a Motel 8 only
13 because I had stayed at one previously becoming
14 upset and leaving home. Whenever I -- I realized
15 that within a few minutes, I told Mr. Marshall
16 that that was not the truth. During the other
17 times of all this whenever, you know, I said what
18 I did, I didn't retract it because I was very
19 confused and disoriented. I was not in touch
20 with reality at all.

21 VICTIM and I went down the dirt road, I
22 was not familiar with where I was, I had gone in
23 from a different place. Yes, I had gone in the
24 woods and been suspicious previously. I had not
25 stayed the length of time which the solicitor

1 said, but I had gone in off of Zion Road to watch
2 the property.

3 Q. You're talking about where Ms. Eckert said
4 there was a previous occasion when you were in
5 the woods four to five hours?

6 A. Yes, ma'am.

7 Q. All right.

8 MR. BOLUS: Judge, and also while she's
9 talking, these are pictures I would like you
10 to look at.

11 THE COURT: All right.

12 MR. BOLUS: It shows her condition
13 immediately after being arrested and it
14 would give some graphic illustrations of a
15 person who's making conflicting stories, and
16 if -- and being out of touch with reality,
17 unless somebody just deliberately does that
18 to themselves to try to fool people which is
19 obviously not our position. That's how my
20 client looked when she was picked up.

21 A. I went into the woods that Saturday
22 afternoon, I was riding down the dirt road.
23 VICTIM and I rode down dirt roads quite
24 frequently, actually, to get out of the house,
25 ride to the river, wherever. We lived out in the

1 country or in the woods so to speak. That was
2 not an unusual event.

3 I do realize now that it was a big
4 mistake, but of course at the time I was not
5 thinking it was a mistake. Although I went, you
6 know, for reasons I guess to be nosey, you would
7 say.

8 Of course when my car became bogged
9 down that was never intended. I tried all
10 efforts to become unbogged. I had things in the
11 car to take care of the baby, I just didn't have
12 a lot of water that I was in need of. We were
13 fine on Saturday night other than the fact that I
14 was very, very scared, extremely scared. I
15 thought I saw and heard things.

16 Of course we both know now there's a
17 difference between what you know and what you
18 think, but at the time, like I said, I was
19 having -- doing an extreme amount of drugs at the
20 time. I'm not using that as an excuse, Your
21 Honor, I'm just letting you know my state of mind
22 at the time. From Tuesday until Sunday around
23 6 grams, actually, which is an extreme amount.

24 Your Honor, I did not deliberately hurt
25 my child or intentionally hurt my child. I'm

1 sorry I could not remember exactly what had
2 happened. I did not, of course, try to feed him
3 any type of grass to choke him, either.

4 But anyhow, finishing the story, on
5 Sunday morning whenever I had walked away from
6 the car, and, yes, ma'am, I did go in front of
7 the car, I did not retract behind the car.

8 Like I said, I had lost my sense of
9 direction; therefore, I didn't really know which
10 way to go. I had not slept, once again, all
11 night, which is the fifth day and I was very,
12 very frightened and scared beyond recognition I
13 guess you would say.

14 But I knew that morning I had to have
15 water, I knew I had to do something to get us out
16 of the woods. And, yes, I did leave VICTIM in
17 the front seat of the car, but I secured him.
18 You know, I made sure that he couldn't roll off
19 of the seat and I had taken him out of his car
20 seat and laid him on the front seat.

21 I was going away from the car I'd say
22 maybe 20 minutes, I don't know exactly, maybe as
23 long as it would take you to hang out a load of
24 clothes on a clothesline. I guess I felt now
25 that I should have taken him to the canal with

1 me, I should not have left him in the car, but of
2 course I should not have done a lot of things, I
3 can't turn that around now.

4 But when I came back to the car he
5 appeared to be lifeless. I did many things to
6 try -- I've never done CPR on anyone before, but
7 I did many things to try to revive him. I got
8 the little cards from out of the diaper bag. I
9 took off running with him, Your Honor, I didn't
10 know what to do, I couldn't get a response. I
11 ran to the canal, I had obtained water in a two
12 liter bottle previously when I had walked down
13 there, but I wasn't thinking clearly. And I
14 didn't remember until later that I had fallen,
15 you know, fell three times running to the canal,
16 twice running back.

17 When I got to the canal I bent down and
18 splashed water up on him, just anything to, you
19 know, to try to get him to suck air to respond to
20 me. And he did not. I did not deliberately, I
21 did not try to drown him, I did not try to
22 suffocate, I did not try to hit my child with
23 anything. Evidently the impact of my body
24 falling upon him killed him, which was an
25 accident.

1 After he was dead, Your Honor, I did
2 become psychotic. I was helpless, I didn't know
3 what to do. I took off running in the woods
4 before I got back to the car. I didn't have any
5 clothes on, but whenever I got back to the car I
6 knew I had needed something to put on me, I
7 didn't have my keys, I had taken my clothes off
8 somehow and I busted the back window out, which
9 at that time I still had VICTIM laying in the
10 front seat, he had been dead for hours, though.

11 Your Honor, I'm sorry I don't remember
12 actually much about wrapping him up or why I
13 moved him from the front seat other than at the
14 time I thought I was protecting him, I guess, so
15 to speak, so that he would be okay. I mean, we
16 can clearly show that I put him right by the car
17 so I wasn't trying to deliberately hide him, so
18 to speak. I was on 7,500 acres of land. I guess
19 I thought if I placed him by the car upon
20 returning there I would be able to find him, but
21 running through the woods that evening and that
22 night and the next morning, whenever I came out
23 of the woods I didn't remember.

24 I told various stories, conflicting
25 stories, not realizing at the time that they were

1 conflicting stories. I didn't actually -- you
2 know, I could remember some things, some things I
3 couldn't remember. Basically just about anything
4 to do with Harley I couldn't remember.

5 I did dispute the fact I didn't tell
6 Pam Eckert or the gentleman the baby was dead. I
7 probably may have said I thought he was dead.
8 But for days, and then even on Thursday on the
9 26th of April, I still didn't want to believe
10 that he was dead. Whenever my memory came back
11 and I started realizing different things that had
12 happened, I guess I still wanted to believe that
13 he would be back with me. The loss of my own
14 child was a very traumatic experience.

15 Q. Here's my concern, and I'll share that with
16 you, Ms. Hall, and I don't know where we are, but
17 what you have told me here today was that all
18 that you did was left your child after you say
19 you carefully secured him in his seat for 20
20 minutes, about as long as it takes to hang out a
21 load of wash, which of course is a normal
22 domestic chore.

23 A. I had taken him out of the seat.

24 Q. And that you carefully placed him in the car
25 and that you secured him in his seat while you

1 went for water and it was 20 minutes. And that's
2 all you did. That you don't know why the grass
3 is in his stomach folded, that you don't know
4 about the trauma to his head, although --
5 although none of the statements that you gave the
6 police earlier reflect, you now tell me that you
7 fell three times on the way to the canal and two
8 times on the way back. Interesting that that's
9 five times when there are four blows to the head.

10 A. I didn't realize that, no.

11 THE COURT: Now, Mr. Bolus.

12 MR. BOLUS: Your Honor, that to me, the
13 question would be but for her reckless
14 indifference being in the woods under the
15 influence of methamphetamine whether the
16 baby would be alive. The answer is if he
17 had been in his crib and they had been home
18 the baby would be alive. She disagrees
19 with -- the aggravation -- see, I think in
20 not to whether the plea is okay or should be
21 rejected, is whether you're going to hold
22 some things against her in terms of
23 aggravation versus mitigation.

24 THE COURT: I have trouble finding that
25 20 minutes -- leaving a child for 20 minutes

1 in an automobile is child abuse by homicide.

2 MR. BOLUS: Well, women --

3 THE COURT: When she tells me she took
4 every care with this child.

5 MR. BOLUS: But she didn't because
6 she's out in the woods not providing the
7 adequate help, care, and food, and shelter.
8 It's sort of like the ladies that get out to
9 go and gamble and they come back and 20
10 minutes later lo and behold their baby has
11 died of something, choked on something. Or
12 someone goes out for a quick beer and the
13 house burns down, obviously -- I mean, that
14 fits the statute.

15 THE COURT: I understand your concern,
16 but remember -- remember Ms. Hall just told
17 me "I had everything he needed in the car
18 except for water."

19 MS. HALL: "Everything, Your Honor."

20 THE COURT: Everything, Your Honor.
21 Everything he needed. So you're telling me
22 shelter, food, clothes and she's telling me
23 she had everything he needed. So here's
24 where we are. I mean, where we are 20
25 minutes, and she's high in the woods.

1 Counsel, let me see you.

2 (Whereupon, a bench conference was held off
3 the record.)

4 THE COURT: Okay.

5 Q. Ms. Hall, let me ask you this question: Do
6 you understand that I have no interest in you
7 pleading guilty unless you are, in fact, guilty?
8 Do you understand that?

9 A. Yes, ma'am.

10 Q. All right. I am going to try to walk
11 through the statute and I am going to try to ask
12 you some questions for clarification purposes.
13 I've heard the facts from the State and I find
14 them compelling. I've heard from you. I have
15 concerns about perhaps what you remember, perhaps
16 what you're willing for your family to hear,
17 perhaps what you're willing to tell the Court,
18 but you need to understand and I need to -- and I
19 know it's difficult for anyone to accept guilt,
20 but you are here to plead guilty so I'll remind
21 you that that is what you say you wish to do. I
22 have no interest in you pleading guilty unless
23 that's something you freely and voluntarily wish
24 to do. Do you understand that?

25 A. Yes, ma'am.

1 Q. Okay. Are you having trouble understanding
2 my questions?

3 A. No, ma'am.

4 Q. Okay. All right. If you have trouble
5 understanding my questions at any point in time
6 just let me know, okay?

7 Now, did you cause the death of your
8 child?

9 A. It was an accident, yes, ma'am.
10 Accidentally by reckless indifference or by not
11 providing adequate care.

12 Q. Did you cause the death of your child and
13 such death occurred under the circumstances
14 manifesting an extreme, an extreme indifference
15 to human life?

16 A. Please clarify what you mean by that.

17 Q. Extreme indifference to human life, that's
18 what you want me to clarify?

19 A. Yes, ma'am.

20 Q. Okay. All right. I think I am more
21 comfortable allowing your attorney to do that for
22 you.

23 A. Yes, ma'am.

24 Q. As I said, we can take a break at any point
25 in time, particularly if you need to speak to

1 your attorney.

2 THE COURT: You don't have to do that
3 on the record, you can do that privately
4 with her and if you need to step in the back
5 you all can do that as well, Mr. Bolus.

6 MR. BOLUS: Step in the back.

7 THE COURT: Whatever you need, if you
8 need, you know, more space.

9 MR. BOLUS: Just a second.

10 THE COURT: Sure. Surely.

11 (Ms. Hall and Mr. Bolus exit the courtroom.)

12 (Ms. Hall and Mr. Bolus return to the
13 courtroom.)

14 THE COURT: All right. Mr. Bolus, have
15 you had a chance to confer with your client?

16 MR. BOLUS: Yes, ma'am. I have.

17 THE COURT: Very well. All right.

18 MR. BOLUS: Would you like me to ask
19 the questions to her by any chance?

20 THE COURT: Happy for you to,
21 Mr. Bolus.

22 MR. BOLUS: Thank you. Could I?

23 THE COURT: Please.

24 EXAMINATION

25 BY MR. BOLUS:

1 Q. Ms. Hall, do you understand what extreme
2 indifference to human life is?

3 THE COURT: We have to hear you.

4 A. Yes, Your Honor.

5 Q. Do you understand extreme indifference to
6 human life more than just carelessness or
7 simple negligence?

8 A. Yes, Your Honor.

9 Q. Do you understand extreme indifference is to
10 the point where it's reckless disregard for human
11 life due to whatever was -- whatever was
12 happening that night, that it's reckless
13 disregard of human life?

14 A. Yes, Your Honor.

15 Q. Do you understand that taking 5 or 6 grams
16 of methamphetamine in a five- or six-day period
17 would make you unable to properly take care of a
18 young child six months old?

19 A. Yes, Your Honor.

20 Q. Do you feel that in your condition, your
21 emotional condition and being under the influence
22 of methamphetamines, that you were recklessly
23 negligent, criminally negligent to have VICTIM in
24 the woods the way you had him out there while you
25 were under the influence of these drugs?

1 A. Yes, Your Honor.

2 Q. Do you feel that because of your addiction
3 to methamphetamine and the fact that you were
4 taking the methamphetamine that you shouldn't
5 have been in the woods with VICTIM?

6 A. No, I should not have been in the woods.

7 Q. Do you believe if you had been home with
8 VICTIM and he had been in his crib -- well, you
9 had not been on methamphetamine do you believe
10 there would have been a good chance that VICTIM
11 would still be alive, if you had not been on
12 methamphetamine, if you had been able to take
13 care of your child properly?

14 A. Yes, Your Honor.

15 Q. You said yes?

16 A. Yes.

17 MR. BOLUS: Your Honor, that's --

18 THE COURT: I establish that she took
19 that amount for me during that period. What
20 was the drug use, Mr. Bolus?

21 MR. BOLUS: We have her testimony later
22 and then we have Dr. Watts. And we also
23 have some people who know about her drug
24 habit that would testify as to the amount of
25 money that was being -- railroad.

1 THE COURT: One more. And there it is
2 and then it's over.

3 MR. BOLUS: Your Honor, I don't get in
4 this position often, I believe that the
5 statute was written as almost a broadly
6 written kind of thing for the state
7 legislature to -- for cases like this that
8 don't constitute what we might call murder.
9 Although if you could be reckless enough
10 there is murder, but if it maybe falls short
11 of that it certainly encompasses charging a
12 person with this kind of crime and that's
13 why we got the mitigation and aggravation
14 provisions in this statute.

15 . And I still reiterate that her --
16 she admits her guilt, but obviously with her
17 witnesses and what she'll tell you later
18 will be in mitigation, whereas obviously
19 Mr. Bailey's arguments is for aggravation.
20 He wants to show the worst scenario, which
21 if it's the worst scenario she could
22 obviously be tried and convicted of murder,
23 I mean, you know, if that's the worst
24 scenario. If Your Honor believed all that,
25 my client, you know, is really guilty of a

1 murder-type situation. But the plea bargain
2 situation was that in exchange for the
3 dismissal of that indictment we're here
4 today to plead to this one.

5 THE COURT: I need you to -- and I
6 don't want to belabor it, Mr. Bolus, but
7 there are some comments that Ms. Hall has
8 made that concern me and they concern me for
9 this reason: They concern me, again,
10 because I have no interest in anyone
11 pleading guilty if they are not, in fact,
12 guilty. And it is my understanding based
13 upon the representations to the Court that
14 Ms. Hall was pleading guilty under, if you
15 will, A(1), and really the harm was under
16 the (b) section, under (2)(b).

17 MR. BOLUS: Would be (A)(1) and then
18 (B)(2)(b).

19 THE COURT: Exactly. Thank you, that's
20 right. So here's what concerns me: She
21 just made the comment that she had
22 everything she needed in the car but water.
23 And why don't you -- why don't you do this
24 for me, why don't you ask your client being
25 mindful of the statute, you talk to her

1 clearly about being on methamphetamine, and
2 she's certainly told me that being on the
3 methamphetamine was -- showed an extreme
4 indifference to human life and she's defined
5 that really as being a reckless disregard
6 for human life. And why don't you inquire
7 of her regarding, if you will, the (b)
8 section, little (b), fails to supply.

9 MR. BOLUS: Your Honor, also I would
10 call your attention to big B and then (1),
11 child abuse and neglect means an act or
12 omission by any person which causes harm to
13 the child's physical health or welfare.
14 Doesn't have to be an active, affirmative
15 thing, it can be an omission.

16 THE COURT: Certainly.

17 MR. BOLUS: Obviously taking
18 methamphetamine leads to omissions of
19 certain things, knowing when a child is in
20 trouble, knowing when a child is not in
21 trouble and things like that.

22 THE COURT: I understand.

23 MR. BOLUS: But essentially we're
24 asserting that the child was provided
25 inadequate shelter and healthcare at that

1 point in time. Her methamphetamine-induced
2 psychosis or noncontact with reality caused
3 her to be disattached to the condition of
4 the child in general.

5 THE COURT: You understand that she
6 maintains to the Court that the psychosis
7 did not begin until after the death of the
8 child?

9 MR. BOLUS: She maintains that, but I
10 think I have my expert, Dr. Watts and some
11 other people that would -- would say
12 otherwise. I mean, I don't know what --
13 she's not the psychiatrist, but the amount
14 she was doing she had to have been psychotic
15 before the incident occurred, I mean if
16 you're doing that much you're psychotic. I
17 don't think it just happens in the second
18 after an event. You may be leading up to a
19 crisis event, but you're still psychotic.

20 THE COURT: You don't need to convince
21 me, you need to convince your client of that
22 because it's Ms. Hall's position she was not
23 psychotic at the time of the death, that
24 while she was on drugs that she was not
25 psychotic, that she became psychotic after

1 the child's death. It's what she just told
2 me, Mr. Bolus.

3 But why don't you do that, why
4 don't you help me through the -- and maybe
5 it is her position that -- well, why don't
6 you ask her for me under the small (b)
7 section, fails to supply the child with
8 adequate food, et cetera, clothing, because
9 I'm not clear. I am clear from what you've
10 told me, I'm clear from what Mr. Bailey has
11 told me, I'm just not clear from what
12 Ms. Harley's [sic] told me.

13 BY MR. BOLUS:

14 Q. Ms. Hall, do you believe that your psychosis
15 or your methamphetamine addiction caused you to
16 not provide enough water to your child?

17 A. I didn't have any in the car.

18 Q. You didn't have it in the car.

19 A. But I had no idea I was going to be stuck,
20 but I didn't have the water.

21 Q. In the car, right?

22 A. I had some, but I didn't have enough.

23 Q. Okay. And you were a mile and a half
24 basically away from your home, but your
25 condition --

1 A. I didn't know that.

2 Q. Well, your condition prevented you from
3 knowing exactly where you were at?

4 A. I didn't have any idea.

5 Q. You didn't have any idea.

6 And if you had not been on
7 methamphetamine and knew -- and known where you
8 were at, there was a distinct possibility that
9 you could have walked to the road and gotten back
10 to your house without having to spend the night
11 out there?

12 A. Perhaps.

13 Q. Okay.

14 MR. BOLUS: Judge, that's the best I
15 can do. I just still assert that our
16 defenses, and it's not a defense of total
17 defense, but it certainly shows that a
18 person that -- I've gone out there, Your
19 Honor, I might get lost out there if I was
20 weirded out or it was nighttime, but I've
21 seen the roads. It's wooded, but it's
22 regular roads out there.

23 And in terms of daylight and this
24 and that, I think a normal, sober person
25 with their wits about them could travel the

1 road for a mile and a half and get to where
2 they needed to go. And she's admitted that
3 her condition prevented her from doing a
4 number of things for her child.

5 THE COURT: Thank you.

6 MR. BOLUS: Thank you.

7 THE COURT: Anything further from the
8 State at this point in the plea, Mr. Bailey?

9 MR. BAILEY: Could we approach briefly,
10 Your Honor?

11 THE COURT: Sure.

12 (Whereupon, a bench conference was held off
13 the record.)

14 THE COURT: Mr. Bolus, let us finish
15 here and then we'll talk about it.

16 MR. BOLUS: I thought you were going to
17 wait on a phone call.

18 THE COURT: No, I'm sorry. I'm sorry.

19 MR. BOLUS: I thought we were going to
20 wait on a phone call.

21 THE COURT: No, no, no, no, no. That's
22 quite all right, I'm sorry.

23 I cannot accept this plea under
24 these circumstances. The homicide by child
25 abuse is obviously a very serious statute

1 and I am concerned with the discrepancy
2 between what I'm being told by the State,
3 which clearly is homicide by child abuse and
4 the -- the minimal amount of acceptance that
5 the defendant has regarding her culpability.

6 If, in fact, what Ms. Hall tells
7 me is correct, I am concerned with whether
8 or not she believes that she is, in fact,
9 guilty of homicide by child abuse. And,
10 again, I have no interest in anyone ever
11 pleading guilty unless they are, in fact,
12 guilty and believe that they are guilty.
13 And that can either be because they know
14 what they did, or perhaps they did not know
15 what they did because of their state of
16 impairment, but yet they have studied and
17 been through the State's case and because of
18 that they believe that they, in fact, have
19 done what the State believes or maintains
20 that they have done.

21 Under the facts as alleged, and
22 the State tells me they are prepared to
23 présent at trial under what Ms. Hall has
24 told me, it seems to me that Ms. Hall
25 maintains that, yes, she was doing drugs and

1 that this -- and that somehow, while she's
2 not at all clear at all what happened, that
3 her child died and she was only away from
4 the child for 20 minutes. Everything the
5 child needed was present, that she only left
6 her child for 20 minutes and she does not
7 know what happened to the child or why the
8 child died.

9 And under those circumstances I am
10 not comfortable taking a plea of guilty,
11 particularly when the circumstances are as
12 they are in this particular charge and the
13 exposure to time, et cetera. I think it is
14 important, and if one is going to plead
15 guilty, that they do so as I have already
16 stated. As a result, I will not accept the
17 plea at this time.

18 And insofar as those of that you
19 have come to be supportive of aggravating or
20 mitigating circumstances, I certainly
21 appreciate you being here; however, it is
22 inappropriate for the Court to ever take a
23 plea of guilty unless that plea is genuine
24 and up front and the person understands that
25 they are, in fact, guilty. That's why we

1 have trials in this country and in this
2 state, and at this moment I am convinced
3 that I cannot accept this plea.

4 . So, at this time we will be
5 adjourned. Counsel, let me see you about
6 further scheduling the trial of this matter
7 or further proceedings.

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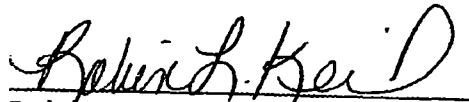
STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER) : C E R T I F I C A T E

I, Robin L. Keil, Registered Merit Reporter and First Judicial Circuit Court Reporter, certify that the preceding pages are a true and correct transcript of the proceedings had at the aforesaid time and place.

I certify that the same was reduced to typewritten form from my original stenograph notes by computer-aided transcription.

I further certify that I am not of counsel or kin to any of the parties to this cause of action, nor am I interested in any manner in its outcome.

IN WITNESS WHEREOF I have hereunto set my hand this the 24th day of September 2002.


Robin L. Keil, RMR
Resident Court Reporter
First Judicial Circuit

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
COUNTY OF DORCHESTER) CASE NO. 2001-GS-18-1126

 **ORIGINAL**

STATE OF SOUTH CAROLINA,) VOLUME II (Pages 84 - 152)
Plaintiff,) TRANSCRIPT OF RECORD
-versus-) GUILTY PLEA/SENTENCING
NORMA PATRICK HALL,) April 15, 2002
Defendant.) St. George, South Carolina

B E F O R E:

The Honorable Diane S. Goodstein

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
C-03	26 Pages of Photographs.....	126	

1 (Monday, April 15, 2002.)

2 (Jury panel sworn.)

3 (Roll call.)

4 THE COURT: Ladies and gentlemen, I now
5 have certain questions to ask you to
6 determine your qualifications as a juror in
7 this court. These questions determine your
8 general eligibility to serve and state law
9 requires that I ask these questions. Quite
10 frankly, some of these questions are
11 intensely personal and you may find that if
12 you need to respond to these questions, that
13 you do not want to stand and disclose that
14 information openly in the presence of your
15 fellow jurors.

16 After each question I will ask any
17 of you who need to respond to stand and that
18 will be my indication that you need to
19 respond to the question. However, if you do
20 not wish to stand because you need to
21 respond and you find that question to be
22 personal, please know that at the end of
23 this process I will issue an invitation for
24 you to come forward and you can simply come
25 forward at that time and share that more

1 personal information with me and of course
2 the court reporter and our clerk.

3 Please know that none of us here
4 have any intention to cause any of you any
5 embarrassment; however, it is absolutely
6 essential that we have accurate information
7 commensurate with the oath that you have
8 taken. So if you do not wish to stand and
9 disclose the information more openly in the
10 presence of your fellow jurors, make a note
11 and remember to come up at the end when I
12 ask you to do so.

13 And here are the questions
14 regarding your qualifications as a juror in
15 this court: Is any member of our jury panel
16 not a citizen of the United States? If you
17 are not a citizen of the United States,
18 please stand. I find no one standing.

19 Is any member of our jury panel
20 not a citizen and resident of Dorchester
21 County? If you are not a citizen and
22 resident of Dorchester County, please stand.

23 Yes, sir. I should remember your
24 name. Tell me your name again.

25 A JUROR: Gary Polmanteer.

1 THE COURT: Yes, sir. You now live in
2 Charleston County?

3 A JUROR: Lexington County.

4 THE COURT: I'll tell you what I will
5 do.

6 A JUROR: It doesn't cause me any
7 problem, really.

8 THE COURT: Very well. What I would
9 prefer to do, if you are willing to allow me
10 to do it, is transfer your service to the
11 future when you will be -- well, let me ask
12 you this question: Thirty days ago where
13 were you a resident of?

14 A JUROR: Dorchester County.

15 THE COURT: Oh.

16 A JUROR: I moved out there previously
17 for a job.

18 THE COURT: I got you. Now you're
19 back.

20 A JUROR: I was done and I moved back
21 to Charleston.

22 THE COURT: That's great. That's
23 great. All right. At the time --
24 interestingly enough, at the time of your
25 summons you were a Dorchester County

1 resident, you're going to be a Dorchester
2 County resident, I'm going to transfer your
3 service when you are back in Dorchester
4 County. You tell me a time that's good for
5 you. A month from now? A week from now?

6 A JUROR: I can do it now. It's not a
7 problem, really.

8 THE COURT: It actually causes me a
9 little bit of concern.

10 A JUROR: Okay.

11 THE COURT: So why don't we say two
12 weeks from now.

13 A JUROR: Okay.

14 THE COURT: Terrific.

15 THE CLERK: I didn't get his name.

16 A JUROR: Gary Polmanteer.

17 THE COURT: Let me go back and find
18 you, you are juror...?

19 THE CLERK: 108.

20 THE COURT: There you are. Thank you
21 so much. Ten o'clock not next Monday, but
22 Monday after that ten o'clock.

23 A JUROR: Here?

24 THE COURT: Right here. Same time,
25 same station, whole bit. Thank you so much.

1 Now, is any member of our jury
2 panel unable, not able to read, write,
3 speak, or understand the English language?
4 If you cannot read, write, speak, or
5 understand the English language, please
6 stand. Very well. I find no one standing.

7 Number four. Does any member of
8 our jury panel have less than a sixth grade
9 education or its equivalent? If so, you can
10 stand. Of course you can come up at the
11 end, but let me tell you what the equivalent
12 of a sixth grade education means to me. If
13 you are working and you're paying your bills
14 and you are getting by as sophisticated as
15 our world has become, you have much more
16 than a sixth grade education, so I explain
17 equivalency to you on that basis. You can
18 certainly stand now or come up at the end.
19 And I find no one standing.

20 Is any member of our jury panel
21 incapable, not capable by reason of a mental
22 or physical infirmity, a mental or physical
23 problem to render efficient jury service?
24 For example, does any member of our jury
25 panel have any medical condition that would

1 keep you, that would prevent you from being
2 able to serve on a jury this week?

3 Let me give you some information
4 from which you can make a determination. We
5 start court typically around 9:30 in the
6 morning, we take testimony for about an hour
7 and a half and we take our morning break.
8 After our morning break we return and
9 continue with the trial. We usually take
10 our break around 12:30, sometimes a little
11 earlier, sometime a little bit later. We
12 typically take about an hour and a half for
13 lunch then return in the afternoon and take
14 testimony again for about an hour and a half
15 and we usually conclude in the afternoon
16 around 5:30, sometimes a little bit earlier,
17 sometimes a little bit later. That gives
18 you some indication of how long we run court
19 in terms of your need to sit and pay
20 attention.

21 If you need to take a little more
22 frequent break, I am happy to accommodate
23 you because I want you to serve. So if we
24 can accommodate you in any regard, we are
25 certainly going to make reasonable efforts

1 to do that.

2 But the question is, is any member
3 of our jury panel, are you incapable by
4 reason of a mental or physical infirmity to
5 render efficient jury service? You can
6 stand now or come up at the end. I find no
7 one standing.

8 Has any member of our jury panel
9 been convicted, and that would be either by
10 a guilty plea or by a trial, in a state or
11 federal court of record of a crime
12 punishable by imprisonment for more than one
13 year and your civil rights have not been
14 restored by pardon or amnesty? If so,
15 please stand. But let me explain to you
16 that punishable by imprisonment for more
17 than one year means you could have received
18 punishment of more than one year. You very
19 well may not have, you very well may have
20 received a probationary sentence, but what
21 is relevant here is that you could have
22 received punishment of more than one year in
23 prison.

24 Yes, sir. Tell me your name
25 again.

1 A JUROR: Michael Marshall.

2 THE COURT: Michael Marshall. All

3 right, Mr. Marshall. And tell me what

4 offense.

5 A JUROR: Burglary.

6 THE COURT: Okay. All right, sir.

7 That would of course disqualify you for jury

8 service. I thank you for your candor and

9 you are free to go.

10 Did you get his name?

11 THE CLERK: Yes, ma'am.

12 THE COURT: Very well. Is any member

13 of our jury panel a clerk or deputy clerk of

14 court, constable, sheriff, or other

15 commissioned law enforcement officer,

16 probate judge, county commissioner,

17 magistrate, or other county officer or any

18 person employed within the walls of any

19 courthouse? If so, please stand.

20 Yes, sir. Colleton County, right?

21 A JUROR: I live in Dorchester, but I'm

22 with Berkeley, the State.

23 THE COURT: Tell me your name again.

24 A JUROR: Randall Villeponteaux.

25 THE COURT: Yes, sir.

1 Mr. Villeponteaux, you are free to go.

2 Thank you so much for being here today.

3 Your name for our record, sir?

4 A JUROR: Joseph Bistromowitz.

5 THE COURT: You are with Colleton?

6 A JUROR: Dorchester County.

7 THE COURT: You are a dispatcher, but
8 you also hold a commission?

9 A JUROR: Yes, ma'am.

10 THE COURT: Thank you so much. And you
11 likewise are free to go.

12 Did you get his name? Y'all
13 didn't get his name? I'm sorry, they did
14 not get your name.

15 A JUROR: Bistromowitz.

16 THE COURT: Just like it sounds. There
17 he is, Number 6.

18 Is there any member of our jury
19 panel who has previously served on jury duty
20 in a court of record, a circuit court, not
21 city court or magistrate's court, but
22 circuit court, during the year 2002? If you
23 have previously served on a jury in a court
24 of record, please stand. I can't help you
25 with magistrate's court or municipal court.

1 I find no one standing.

2 Any members of our jury panel who
3 served as a member of the Dorchester County
4 Grand Jury during the past five years? If
5 so, please stand. Member of the Dorchester
6 County Grand Jury in the past five years.
7 All right. I find no one standing.

8 We now move to jury exemptions,
9 because State law provides for several
10 exemptions for jury service. An exemption
11 does not mean you are not qualified to
12 serve, it simply means that you have the
13 right to say thank you, but I choose not to
14 serve. For example, those of you who are 65
15 years of age or older may be exempted from
16 your jury service. Let me hasten to tell
17 you that those of you who are 65 years of
18 age or older represent a pool of tremendous
19 talent for jury service and we want you to
20 serve, we urge you to serve this week.
21 However, if you wish to be excused from your
22 jury service then you certainly may do so.

23 So I would ask is there any member
24 of our jury panel who is 65 years of age or
25 older and who wishes to be exempted from

1 your service this week? If so, please
2 stand. I find no one standing.

3 Another exemption concerns prior
4 jury service. You will recall a moment ago
5 that I asked regarding jurors who had served
6 in a court of record this calendar year.
7 Those folks cannot serve more than once in a
8 court of record. However, no person is
9 required to serve on a jury in a court of
10 record more often than once every three
11 calendar years. So if you served on a jury
12 in a court of record, again not magistrate's
13 court or municipal court but in a court of
14 record, during the calendar year 2001 or
15 2000 and you wish to be exempted from your
16 jury service, then I would ask that you
17 please stand at this time. Served in a
18 court of record in 2001 or 2000 and you wish
19 to be excused, please stand. I find no one
20 standing.

21 The next exemption deals with
22 those of you who have small children.
23 Please listen very carefully because this
24 exemption has several parts, all of which
25 must apply for you to be exempted on this

1 this exemption applies to you and you
2 exercise this exemption we will simply
3 transfer your service to another term of
4 court at which time your service will not
5 conflict with your school responsibilities.

6 Up until about, what, three weeks
7 ago I could say, oh, we'll just transfer you
8 to spring break. Can't do that anymore, so
9 into the summertime. If this applies to
10 anyone, please stand at this time.

11 Yes, ma'am. You're in school?

12 A JUROR: Yes.

13 THE COURT: Where are you in school?

14 A JUROR: Trident Tech.

15 THE COURT: That's wonderful. And when
16 are you going to be finished?

17 A JUROR: 2004.

18 THE COURT: Great. That's great. Do
19 you go year round?

20 A JUROR: Yes, I do.

21 THE COURT: What is your course of
22 study?

23 A JUROR: Associate's degree in
24 nursing.

25 THE COURT: Fantastic. I feel better

1 already. That's terrific. All right. And
2 you all do go year round, don't you?

3 A JUROR: You can, yes.

4 THE COURT: And you are?

5 A JUROR: Yes.

6 THE COURT: All right. Well, you know
7 what, we will simply have to get you in the
8 year 2004.

9 A JUROR: Okay.

10 THE COURT: Tell me your name again.

11 A JUROR: Elise Bucharan.

12 THE COURT: Thank you, Ms. Bucharan.
13 We expect all A's now, okay?

14 A JUROR: Okay.

15 THE COURT: All right. Good luck to
16 you. You know nurses are needed.

17 A JUROR: Yes.

18 THE COURT: Bye, bye.

19 The next exemption involves those
20 of you who perform services for a business,
21 commercial, or agricultural enterprise. Is
22 there any member of our jury panel who
23 performs services for a business,
24 commercial, or agricultural enterprises and
25 whose services are so essential to the

1 operation of the enterprise, now here's the
2 kicker, that the enterprise must close, not
3 should close, but must close if you are
4 required to perform your jury duty? If this
5 applies to anyone, I'm just going to ask you
6 to come up at the end because we're going to
7 have to talk about it because I'm going to
8 try to transfer your service to another term
9 of court, but remember it's not should close
10 as I am certain it would be, but must close.
11 (No response.)

12 THE COURT: Now, do we have any members
13 of our jury panel who are employed as a
14 guard with the Department of Corrections at
15 a penitentiary? And I think he's already
16 gone. If so, please stand because state law
17 says you will be exempted. But I think the
18 MacDougall gentleman's already left us.

19 All right. Ladies and gentlemen,
20 that concludes the statutory list of
21 qualifications and exemptions for jury
22 service. It may be that you are qualified
23 and no exemption applies to you, but jury
24 service this week would constitute an
25 extreme hardship upon you for a particular

1 reason.

2 I cannot and I will not
3 permanently excuse a qualified juror from
4 jury service; however, I may excuse a juror
5 from this term of court and transfer the
6 juror to another term of court, particularly
7 jurors who have not been previously
8 transferred. Please recognize that general
9 inconvenience is not a sufficient basis to
10 request a transfer to another term of court,
11 because guess what, if it was I would be
12 transferring all of you forever.

13 However, let me give you some
14 examples. It might be that you have a
15 family member who has a doctor's appointment
16 and needs you to be with them this week, or
17 you have a doctor's appointment that you
18 need to make. Those are certainly things
19 that I need to hear about that are certainly
20 reasons to transfer your jury service. It
21 might be that at your business you have a
22 one-time inventory that happens once a year
23 and this is the week and you are in charge
24 of that. It could be something like that.
25 And that certainly is an extreme hardship

1 for you, so let me hear about you having
2 anything like that.

3 If you have the tickets to Tahiti
4 and they're home on the refrigerator and
5 you're supposed to leave Wednesday
6 afternoon, that big time is a hardship, so
7 let me hear about the trip to Tahiti as
8 well.

9 Now, ladies and gentlemen, this
10 will now be the opportunity for those of you
11 who did not respond earlier to those
12 personal questions that I asked, or any
13 other question that was asked, including
14 those of you who have a compelling reason to
15 request a transfer of your jury service to
16 another week.

17 Very briefly the qualifications
18 for jury service are: That you are a
19 citizen of the United States, that you are a
20 citizen and resident of Dorchester County,
21 that you are able to read, write, speak, and
22 understand the English language, that you
23 have at least a sixth grade education or its
24 equivalent, that you are able physically and
25 mentally to render efficient jury service,

1 that you have not been convicted of a crime
2 punishable by imprisonment for more than one
3 year and your civil rights have not been
4 restored by pardon or amnesty, that you are
5 not employed as a law enforcement officer,
6 county officer employed within the walls of
7 any courthouse, and that you have not
8 previously served on jury duty during the
9 year 2002.

10 Now, if any of these
11 qualifications concerns you, or if you have
12 a question about any of these qualifications
13 as they may apply to you in your situation,
14 or if you have a question or concern about
15 an exemption, or if you wish to seek a
16 transfer to another term of court, the line
17 forms on the left. Come forward at this
18 time.

19 **THE BAILIFF:** Number 99, Ms. Nelson.

20 **A JUROR:** I don't have a source of
21 income to be paid, will that cause me to
22 lose the little bit of money I'm getting?
23 Unemployment, would that be deducted? I
24 think it will be, right?

25 **THE COURT:** I don't know the question

1 to that, but I'll tell you what I'm going to
2 ask you to do, I'm going to ask you to stay
3 with us.

4 A JUROR: Okay.

5 THE COURT: And we're going to have a
6 break and see if you can maybe call the
7 Employment Security Commission and ask them
8 that question.

9 A JUROR: Because it's not really that
10 much as it is, and I'm barely making ends
11 meet until I find some work.

12 THE COURT: Indeed. Go ahead for me
13 and just check on that during the break,
14 okay?

15 A JUROR: Okay.

16 THE COURT: When you return if you can
17 get an answer irrespective if you get an
18 answer, just let me know.

19 A JUROR: Okay.

20 THE COURT: Thank you, Ms. Nelson.
21 She's staying with us right now.

22 THE BAILIFF: Number 57, Mr. Hamilton.

23 THE COURT: Hi, Mr. Hamilton.

24 A JUROR: I'm registered to take the
25 professional engineering exam on Friday,

1 that's \$105 I can't get back now, and I
2 would have to wait a year, so....

3 **THE COURT:** Absolutely. I agree with
4 you, that you need to take that. When would
5 you be available?

6 **A JUROR:** Anytime after Friday.

7 **THE COURT:** Just as soon as you get
8 that done. Well, how about next week?

9 **A JUROR:** Okay.

10 **THE COURT:** How about next week, since
11 you're sort of in juror mode?

12 **A JUROR:** All right.

13 **THE COURT:** Jury's going to report next
14 Monday at two o'clock.

15 **A JUROR:** Okay.

16 **THE CLERK:** Twenty-second at ten
17 o'clock.

18 **THE COURT:** At ten o'clock.

19 **A JUROR:** I have Mondays off.

20 **THE COURT:** Perfect. Ten o'clock. See
21 you there. Take care of those sunglasses.

22 **A JUROR:** Yes, ma'am.

23 **THE BAILIFF:** Number 49, Mrs. Fulton.

24 **THE COURT:** Yes, ma'am, Ms. Fulton.
25 You work for yourself, you clean houses.

1 A JUROR: I have no education.

2 THE COURT: Okay. Can you read?

3 A JUROR: A little, but not much. But
4 I can't spell.

5 THE COURT: Okay. All right..

6 A JUROR: I can't write checks or
7 anything, my children have to do that.

8 THE COURT: They do? Okay. All right.

9 A JUROR: And I am a widow and that's
10 the only way I have to make a living, I'm
11 not old enough to draw anything yet.

12 THE COURT: Yeah, I understand. I
13 understand.

14 A JUROR: It's embarrassing also.

15 THE COURT: Well, listen, I wouldn't be
16 embarrassed one bit. You are looking after
17 yourself in this world, I wouldn't be
18 embarrassed for one moment. I don't want to
19 cause you any embarrassment. I'm trying to
20 assess how much reading I think would be
21 required. I'm going to leave it up to you.
22 Would you be more comfortable not serving?

23 A JUROR: Yes, I would.

24 THE COURT: Then I'm going to excuse
25 you on that basis. Thank you so much.

1 A JUROR: Thank you very much.

2 THE COURT: She's excused.

3 THE BAILIFF: Number 140, Mrs. White.

4 THE COURT: Hi, Ms. White.

5 . A JUROR: Hi, Your Honor. I don't know
6 if this is really -- you know, I'm in my
7 first trimester of pregnancy and I have five
8 boys, it puts a lot of pressure on my
9 bladder when you said hour and a half of
10 sitting there, I don't know if I can do
11 that.

12 THE COURT: When you need to take more
13 frequent breaks, I'll go with you.

14 A JUROR: Can I do that? I didn't know
15 if I could.

16 THE COURT: Sure. In fact, we have
17 fruit and all sorts of snacks for you. If
18 you're selected on a jury you don't hesitate
19 if you need a little snack, a little juice
20 or water, or whatever.

21 A JUROR: Good deal.

22 THE COURT: We are so delighted to
23 accommodate you. Congratulations. So come
24 on stay with us.

25 THE BAILIFF: Number 33, Mrs. Dacus.

1 THE COURT: Hi.

2 A JUROR: My job does not even take
3 care of this, they even count the time
4 against us.

5 THE COURT: Okay.

6 A JUROR: I would have to take vacation
7 days.

8 THE COURT: You have to take vacation
9 days. Would you be paid for that time?

10 A JUROR: If I take vacation days, but
11 it would be counted against me.

12 THE COURT: Okay. And where are you
13 employed?

14 A JUROR: A school in St. George.

15 THE COURT: Okay. And are you the --

16 A JUROR: Supervisor.

17 THE COURT: You're the supervisor. All
18 right, ma'am, supervisor. You got to see
19 about changing some of that at your company,
20 Huh?

21 A JUROR: They need to.

22 THE COURT: Is there another income
23 that comes into your home?

24 A JUROR: It's mine, I'm single.

25 THE COURT: You're single. Do you have

1 children?

2 A JUROR: Three.

3 THE COURT: How old are your children?

4 A JUROR: Seventeen, ten, and 20. Ten
5 is my youngest.

6 THE COURT: I understand. I
7 understand.

8 A JUROR: It counts against my profit
9 sharing.

10 THE COURT: I understand. I'm going to
11 excuse you from your service on that basis.

12 A JUROR: Maybe you need to call them.

13 THE COURT: I don't believe I can deal
14 with it, but you're the supervisor.

15 Thirty-three, I'm going to excuse
16 her.

17 THE CLERK: Excuse?

18 THE COURT: Yeah.

19 THE BAILIFF: Number 66, Mrs. Johnson.

20 THE COURT: Yes, ma'am. Hi,
21 Ms. Johnson.

22 A JUROR: Well, if you could excuse me
23 I have a baby, she's nine years old and she
24 has cerebral palsy and I have to stay with
25 her 24 hours.

1 THE COURT: You don't work outside your
2 home?

3 A JUROR: I do work, but I have to be
4 there when she -- medicate for seizure.

5 THE COURT: Yes.

6 A JUROR: And I have to stand by within
7 24 hours with her. And she is going to
8 school and they call me and I have to go
9 right away.

10 THE COURT: And you have to go right
11 away?

12 A JUROR: Yes.

13 THE COURT: How old is she?

14 A JUROR: She is nine years old.

15 THE COURT: All right. Yes, ma'am.
16 I'm going to excuse you on that basis if you
17 do have a hardship. Does she have anyone
18 else, any other adults in the home that care
19 for her?

20 A JUROR: My husband, yes, ma'am. My
21 husband.

22 THE COURT: Oh, your husband.

23 A JUROR: With the Navy. And he stays
24 home while I go to work and he takes care
25 with her. If he go to work part-time job,

1 then I'll stay home.

2 **THE COURT:** Well, wait, that's
3 different. In other words, can he care for
4 her?

5 **A JUROR:** No. She stay in the day-care
6 when come out from school, she stay in the
7 day-care. Then after that, after work, I
8 go --

9 **THE COURT:** He's not -- you don't ever
10 leave your child with him?

11 **A JUROR:** Yeah, I leave.

12 **THE COURT:** You do leave your child
13 with him?

14 **A JUROR:** With my husband, yeah.

15 **THE COURT:** Why would he not be
16 available while you're serving on jury duty
17 to be available if your child needs an
18 adult?

19 **A JUROR:** Well, my husband, sometimes
20 he go to work, part-time job.

21 **THE COURT:** Well, but he may have to
22 stay home if you're selected on a jury. Are
23 you with me? He just may have to make that
24 a priority. Is he having part-time work
25 right now?

1 A JUROR: Yeah, he's working right now.

2 • THE COURT: He is? Where is he working
3 right now?

4 A JUROR: At the Navy, at the Navy
5 base.

6 THE COURT: At the Navy base?

7 A JUROR: Yes, ma'am.

8 THE COURT: How long will he be working
9 this week, how many days this week?

10 A JUROR: I don't know. Just
11 part-time, I don't know. Sometimes he work
12 three days, sometime he work four days.

13 THE COURT: Okay. All right. Well,
14 here's what I'm happy to do. I'm happy to
15 transfer your service to sometime in the
16 future.

17 A JUROR: Yes, ma'am.

18 THE COURT: And at that point he can
19 make arrangements at the base and say this
20 is a week I cannot work, okay, because I
21 have to be available so my wife can do jury
22 duty.

23 A JUROR: I really love to serve, but I
24 have to stay with my daughter because my
25 daughter is always calling my name.

1 **THE COURT:** I understand that. But the
2 father can also do that to let you serve on
3 the jury, too. I think it's important and I
4 think you can accommodate without doing her
5 any harm. And if she gets ill he can go to
6 her and then if we need to excuse you from
7 the jury we can do that, but he can be
8 available for her, he would need to call you
9 and then we could excuse you, okay? So
10 we'll just have the best of both worlds.
11 We're going to transfer your service. Tell
12 me when I can transfer your service to give
13 him enough time to make arrangement to not
14 be on the base that week.

15 **A JUROR:** Probably next year.

16 **THE COURT:** You have to work with me on
17 that.

18 **A JUROR:** I don't know about that,
19 probably anytime.

20 **THE COURT:** He works for the Navy, he
21 works for the federal government.

22 **A JUROR:** He's retired in the Navy.

23 **THE COURT:** Okay. Then it's easier for
24 him to get off. You come and give these
25 ladies a time and it will not be this

1 following week. This year, not next year.

2 All right. Yes.

3 THE BAILIFF: Number 70, Mr. Judy.

4 THE COURT: Yes, sir, Mr. Judy.

5 A JUROR: Your Honor, I'm self-employed
6 and --

7 THE COURT: Okay.

8 A JUROR: -- I have two full-time
9 employees and one part-time that they can't
10 work unless I'm there.

11 THE COURT: What's the nature of your
12 business?

13 A JUROR: Land surveying.

14 THE COURT: Surveying?

15 A JUROR: Yes, ma'am.

16 THE COURT: Okay, Mr. Judy. And in
17 other words, you provide your function.
18 What is your function?

19 A JUROR: I'm the registered surveyor
20 in the office.

21 THE COURT: Okay. And there's nobody
22 else who's a registered surveyor in your
23 office, so if you're not there they can't
24 verify their work?

25 A JUROR: Yes, ma'am.

1 THE COURT: In other words, if anybody
2 challenged it, you weren't there, the
3 registered surveyor, it could cause
4 problems?

5 A JUROR: Could cause problems.

6 THE COURT: You'll be out of work, the
7 two people that work for you, and the
8 part-time person would be out of work as
9 well?

10 A JUROR: Yes, ma'am. Later on in the
11 week.

12 THE COURT: I understand. I'm going to
13 excuse Mr. Judy on that basis.

14 A JUROR: Thank you, ma'am.

15 THE COURT: Thank you, Mr. Judy.

16 A JUROR: Number 44, Mr. Fender.

17 THE COURT: Yes, sir, Mr. Fender.

18 A JUROR: Yes, ma'am. I farm. This is
19 a pretty tough time of year for me planting
20 cotton and stuff like that.

21 THE COURT: You are actually --

22 A JUROR: It's me and my son.

23 THE COURT: -- this day?

24 A JUROR: This week and next week. We
25 got 750 acres of cotton we plant. Some

1 times like December, January, February, I
2 don't know if y'all hold court that time of
3 year or not, but that's when it would suit
4 me.

5 THE COURT: Okay. Mr. Fender, I do
6 understand that and I am going to transfer
7 your service until December.

8 A JUROR: That would be fine. Thank
9 you very much. I appreciate it.

10 THE COURT: I'm going to transfer
11 Mr. Fender.

12 THE BAILIFF: Number 72, Mr. Kelly.

13 THE COURT: Yes, sir, Mr. Kelly.

14 A JUROR: Your Honor, I don't work, I
15 don't have a phone, I sleep in my car, I had
16 this letter notarized here.

17 THE COURT: Okay.

18 A JUROR: Stating that I don't want to
19 be in here. I'm homeless. I've been
20 sleeping in my car five years.

21 THE COURT: Okay.

22 A JUROR: And I don't have a voter's
23 registration card.

24 THE COURT: Have you got a driver's
25 license?

1 A JUROR: Yeah. I got a driver's
2 license and a South Carolina --

3 THE COURT: Okay. That's what
4 happened.

5 A JUROR: -- card. I had to come here,
6 or, you know, but I can't participate
7 because I don't have a proper address,
8 proper clothes, or nothing. And then if,
9 say like you said, employed, and you say if
10 I come here today and have to be called, I
11 don't have a phone.

12 THE COURT: Hold on one second for me.
13 Hold on. All right, sir. Is this you?

14 A JUROR: What?

15 THE COURT: Mr. Kelly.

16 A JUROR: What?

17 THE COURT: You were convicted of
18 breaking in a motor vehicle?

19 A JUROR: No. No. I never been
20 arrested down in South Carolina. This is
21 the first time I ever been in here. I got a
22 son, Bennie Kelly, Jr., that's my son. I'm
23 Bennie Kelly, Sr. My son's name is Bennie
24 Kelly, Jr.

25 THE COURT: What's his date of birth?

1 A JUROR: He's 26. He was born
2 November 27th.

3 THE COURT: Okay. Okay. Well, you
4 could be that young.

5 A JUROR: I'm 51.

6 THE COURT: You're well preserved.

7 A JUROR: I born November 22nd.

8 THE COURT: Okay. Okay.

9 A JUROR: But make sure I never been
10 arrested in South Carolina, this is my first
11 time here.

12 THE COURT: You want to look with me?
13 Look here, this says Charleston County,
14 10-31-79. Let's see if we got date of
15 birth. We've got 11-52, that's you.
16 11-21-52.

17 A JUROR: What was I arrested for?

18 THE COURT: Well, let's see. Let's
19 look here together. Breaking in a motor
20 vehicle, arrested 10-31-1979.

21 A JUROR: That could have been me.

22 That could have been me. I work at
23 Westvaco, I was arrested one time.

24 THE COURT: One time in South Carolina.
25 Well, I think that's you, then I will excuse

1 you from your service, that would disqualify
2 you. Thank you, Mr. Kelly.

3 A JUROR: Okay. Can I have my letter
4 back?

5 THE COURT: Yeah, you can have your
6 letter back.

7 A JUROR: I don't have to come no more?

8 THE COURT: No. Disqualified.

9 A JUROR: Okay.

10 THE COURT: All right.

11 THE CLERK: Forty-six.

12 THE BAILIFF: 112.

13 A JUROR: I have orders to leave for
14 Germany on Saturday.

15 THE COURT: You'll be finished by then.

16 A JUROR: I'm sergeant in charge and I
17 need to get things ready during the week to
18 take with us.

19 THE COURT: Oh, okay. Oh, goodness.
20 All right. So we need to transfer your
21 service? When will you be back? How long
22 will you be gone?

23 A JUROR: Just for two weeks.

24 THE COURT: Just for two weeks?

25 A JUROR: Yes, ma'am.

1 THE COURT: Go tell Ms. Footman when
2 you want to serve. This is Mr. Ramelb.
3 Just tell her when you would like to serve.

4 THE CLERK: 112.

5 THE BAILIFF: Number 12, Brewer.

6 THE COURT: Hi.

7 A JUROR: Yes, ma'am. I just have a
8 question.

9 THE COURT: Sure.

10 A JUROR: My husband's grandmother is
11 in Trident right now and she's dying, but
12 the thing is, I mean it could be tonight, it
13 could be next week, but I just want to know
14 what do I do if I'm picked on the jury and
15 she passes away this week?

16 THE COURT: Are you certain that it's
17 going to be this week? Could it be next
18 week?

19 A JUROR: It could be anytime, we don't
20 know. I'm not trying to get out of it, I
21 just want to know what I need to do.

22 THE COURT: If that happens and you are
23 selected on a jury, I will let the lawyers
24 know that. How about that?

25 A JUROR: I just didn't know if I

1 needed to notify the clerk's office.

2 **THE COURT:** All right, ladies and
3 gentlemen, we are now going to take our
4 break and we're going to take about -- oh,
5 we'll take about a 15-minute break. You can
6 stay in the courtroom if you would like, but
7 those of you that smoke I know it takes
8 seven minutes to smoke a cigarette because
9 I'm married to a former smoker, so if you
10 want to walk outside and smoke a cigarette
11 and come back that will pretty much eat up
12 the 15 minutes, so you're welcome to stay
13 here. We're going to be at ease for 15
14 minutes.

15 And I need to see the attorneys in
16 the first case in chambers. Thank you.
17 (Recess, from 3:17 p.m. to 3:36 p.m.)

18 **THE COURT:** Ladies and gentlemen, I
19 find that you are now generally qualified to
20 serve on juries this week and I want to give
21 you some further instruction. And you
22 probably have seen the signs all over
23 outside that talks about no beepers and no
24 cell phones. Let me reiterate no beepers
25 and no cell phones. And the reason for that

1 is that we -- if you serve on a jury we want
2 you to receive the information for your
3 deliberations from the evidence produced in
4 the courtroom and not from information that
5 you could get from calling someone on your
6 cell phone. The other reason is obvious,
7 it's to allow both you as well as your
8 fellow jurors to be able to focus on what is
9 occurring here in the courtroom rather than
10 on the dinging and the beeping, et cetera,
11 of a beeper or cell phone. That's the
12 purpose of it.

13 I'm going to ask when you return
14 to the courthouse to be mindful not to bring
15 with you into the courthouse a beeper or
16 cell phone. But guess what, we're all
17 human, you may forget. If you forget, don't
18 hesitate to let someone know, perhaps
19 Mr. Taylor, Ms. Saulisbury, or if you forget
20 raise your hand and say, you know, I've got
21 this beeper and I forgot. And what we will
22 simply do is just keep it for you here at
23 the clerk's table. Ms. Graham will keep it
24 for you and I promise she will not make more
25 than two international phone calls on your

1 cell phone. But try to be mindful of that.

2 Now, in this day of technology we
3 have what is called the juror information
4 call-back system, and I want to talk to you
5 a moment about that. When you were sent
6 your packet of information along with your
7 juror summons you received a number, a juror
8 information number. We have this
9 choreographed. Okay, Ms. Graham. On this
10 little card is the juror information number.

11 Now, some of you are pulling it
12 out and looking on it and there the juror
13 information number is on the card. If you
14 are like me, that envelope is somewhere, who
15 knows. So you don't have your card. But
16 that's all right because Mr. Taylor in the
17 back has a large stack of the juror
18 information cards and that will have the
19 juror information number on that card.

20 In a moment I'm going to be able
21 to dismiss you for this afternoon; however,
22 I do need you to call the juror information
23 number after six o'clock this evening.

24 After six o'clock this evening. Now, you
25 can call the number at 6:05, 6:30, 7:30, if

1 you're out walking the floor you can call at
2 two o'clock tomorrow morning. It just is a
3 recording and it gives us until six o'clock
4 this evening to find out what your schedule
5 is, so that's the reason I ask you to call
6 back after six o'clock.

7 I think that you will be asked to
8 return to the courthouse in the morning, but
9 I don't know that. It very well may be that
10 you're simply asked to call at a particular
11 time. Irrespective of what the instruction
12 is on the answering machine, please follow
13 that instruction, be it to return at a
14 particular time or to call back at a
15 particular time.

16 Now, let me see, I was looking for
17 Mr. Bailey.

18 MR. ROBBINS: He's in the back, Judge.

19 THE COURT: And I was looking for
20 Mr. Bolus. Bear with me for just a second,
21 I need both of them.

22 (Whereupon, a bench conference was held off
23 the record.)

24 THE COURT: All right. I'm fine.
25 Ladies and gentlemen, I have an additional

1 instruction for you and the instruction is
2 that I'm going to ask you not to listen to
3 the news this evening and not to read the
4 newspaper in the morning. And if the
5 radio -- if you're listening to the radio
6 and humming along with your favorite tunes
7 on the way back to Summerville or wherever
8 this afternoon, and the news comes on,
9 change the channel. Go to one that just
10 plays music and doesn't do any news.

11 But please do not listen to any
12 news either on the radio or the television,
13 please do not look at the news on the
14 internet and please do not read the
15 newspaper in the morning. Take the
16 newspaper, fold it up and put it away for
17 later in the week. If you would be so kind
18 as to follow that instruction this evening.

19 Do not allow anyone to discuss
20 with you in any regard any matters that may
21 be coming up for trial this week. I would
22 be most appreciative of you following the
23 instruction as I have just given it to you.

24 And anything further on that
25 instruction, Mr. Bailey or Mr. Bolus?

1 MR. BAILEY: No, Your Honor.

2 MR. BOLUS: No.

3 THE COURT: Thank you so much. Without
4 further adieu, thank you so much for your
5 cooperation with us as we have gone through
6 this process this afternoon and I look
7 forward to seeing you later in the week.
8 Have a good afternoon.

9 (Jury panel excused.)

10 (Marked for purposes of the record was
11 Court's Exhibit 3, 26 pages of photographs
12 of the defendant.)

13 MR. BAILEY: Call Court's attention to
14 2000-GS-18-1126, State vs. Norma Patrick
15 Hall. Ms. Hall is charged with homicide by
16 child abuse. She's present, represented by
17 Mr. Bolus.

18 THE COURT: Very well. Thank you,
19 gentlemen.

20 All right. Of course, this is the
21 matter that we heard last week, Mr. Bolus
22 and Mr. Bailey. I would propose based upon,
23 as I understand it from both of you, that
24 you wish to attempt this plea again, as I
25 understand it a plea under North Carolina

1 vs. Alford, Alford vs. North Carolina; is
2 that correct?

3 • MR. BAILEY: That's correct, Your
4 Honor.

5 MR. BOLUS: Yes, ma'am.

6 THE COURT: Very well. I would propose
7 to begin the plea anew.

8 All right. Now, your name is
9 Ms. Norma Patrick Hall?

10 MS. HALL: Yes, ma'am, Your Honor.

11 THE COURT: All right. Ms. Graham,
12 I'll ask you to please swear in Ms. Hall.
13 (Whereupon, Norma Patrick Hall is duly
14 sworn.)

15 THE COURT: All right, Ms. Hall. And
16 you are represented by Mr. Tommy Bolus?

17 MS. HALL: Yes, ma'am.

18 THE COURT: All right. Mr. Bolus,
19 Ms. Hall has indicated to me that you
20 represent her. Is that correct?

21 MR. BOLUS: Yes.

22 THE COURT: All right. Have you
23 explained to the defendant the charge
24 contained in the indictment against her,
25 including the possible punishment and her

1 constitutional rights, including her rights
2 to a jury trial?

3 MR. BOLUS: Yes, I have.

4 THE COURT: And in your opinion does
5 she understand the nature of the offense,
6 the maximum possible punishment, and her
7 rights?

8 MR. BOLUS: Yes, she does.

9 THE COURT: Does she wish to plead
10 guilty or not guilty?

11 MR. BOLUS: Judge, she is pursuant to
12 the allowances in Alford vs. North Carolina
13 tendering an Alford plea, while not
14 admitting guilt would admit that there's
15 enough evidence to convict her of the charge
16 contained in the indictment. That would be
17 the Alford plea. She understands that it is
18 the same consequences, carries the same
19 consequences as a guilty plea, but
20 there's -- you know, it's allowable by the
21 Supreme Court and I understand Mr. Bailey
22 would consent to that kind of plea.

23 MR. BAILEY: That's correct, Your
24 Honor.

25 THE COURT: Thank you, Mr. Bailey.

1 All right. And do you agree with.
2 Her decision to plead guilty under Alford
3 vs. North Carolina?

4 MR. BOLUS: Yes, I do.

5 THE COURT: From your investigation of
6 the facts and circumstances of this case, do
7 you feel that the State could produce
8 sufficient evidence to convict and establish
9 Ms. Hall's guilt beyond a reasonable doubt,
10 and that if she was to stand trial that her
11 conviction would be probable?

12 MR. BOLUS: I believe that the State
13 could prove conviction beyond a reasonable
14 doubt pursuant to 16-3-85, homicide by child
15 abuse.

16 THE COURT: All right, sir. And is
17 there any question in your mind regarding
18 your client's competency?

19 MR. BOLUS: There's no question in my
20 mind.

21 THE COURT: All right.

22 EXAMINATION

23 BY THE COURT:

24 Q. Now, Ms. Hall, I'm going to be asking you
25 many questions. If you do not understand my

1 question, do not answer it, but do let me know
2 that you don't understand my question, all right?

3 A. Yes, ma'am.

4 Q. And if you need to take a break for any
5 reason, particularly to consult with your
6 attorney, I want you to likewise feel free to do
7 that as well, all right?

8 A. Yes, Your Honor.

9 Q. Now, tell me how old you are.

10 A. Thirty-nine years old.

11 Q. All right. And your name is Norma Patrick
12 Hall?

13 A. Yes, ma'am.

14 Q. All right. And how far did you go in
15 school?

16 A. I graduated.

17 Q. And your last employment was where?

18 A. At Hess in Jedburg.

19 Q. All right. And are you married?

20 A. Yes, ma'am.

21 Q. And I believe you have two children, two
22 other children, two surviving children?

23 A. Yes, ma'am. A son 17 years old and a
24 daughter six years old.

25 Q. Okay. Have you ever been treated for

1 alcohol, drug abuse, or mental illness?

2 A. Depression in 1996.

3 Q. All right. And where were you treated for
4 the depression?

5 A. St. Mary's, Georgia.

6 Q. And did you complete that program?

7 A. Yes, ma'am.

8 Q. All right. Within the last 72 hours have
9 you taken any alcohol, drugs, or prescription
10 medication?

11 A. Ma'am, I'm incarcerated. No, ma'am.

12 Q. No, all right.

13 And are you today aware of any
14 physical, emotional, nervous, alcohol,
15 medication, drug problem, physical problem, any
16 problem that you have that might keep you or
17 interfere with your ability to understand what
18 you are doing here today?

19 A. No, ma'am.

20 THE COURT: Were you able to hear that?

21 THE COURT REPORTER: (Nodding.)

22 Q. Very well. It is my understanding from your
23 attorney that you intend to plead guilty pursuant
24 to Alford vs. North Carolina to the offense of
25 homicide by child abuse. I would tell you that

1 the sentence for homicide by child abuse carries
2 a penalty of not less than 20 years in prison and
3 a maximum of life in prison, and I would ask if
4 you understand the nature of this offense as well
5 as the maximum possible punishment?

6 A. Yes, ma'am. I understand.

7 Q. All right. Do you understand that even
8 though you might interpose a plea pursuant to
9 Alford vs. North Carolina that the consequences
10 are the same, in that the Court will treat the
11 Alford vs. North Carolina plea as a guilty plea
12 and you will be sentenced as though you pled
13 guilty? Do you understand this?

14 A. Yes, ma'am, Your Honor.

15 Q. All right. Do you have any questions about
16 that that you want to ask your attorney? I know
17 that you've just had a brief discussion with him.
18 Are there any other questions that you have for
19 him? Because it's very important that you
20 understand that. Do you need any more time to
21 talk to him about my question of you?

22 A. No, ma'am, Your Honor. Proceed, please.

23 Q. Very well. Now, there are some other
24 consequences of your plea and I want to talk
25 about those with you as well. This is a violent

1 offense, this homicide by child abuse is a
2 violent offense. It is also a most serious
3 offense. In South Carolina we have a two-
4 strike, three-strike rule with regards to the
5 most serious offense. If you have two most
6 serious offenses in your life then upon a
7 conviction for a most -- the second most serious
8 offense then you spend the rest of your life in
9 prison without the possibility of parole.

10 I would ask whether or not you
11 understand that if you plead guilty to -- even
12 under Alford vs. North Carolina that a
13 consequence of that plea is that you will have a
14 strike, you will have a most serious offense
15 conviction?

16 A. Yes, Your Honor. I understand.

17 Q. All right. Do you understand that this is
18 called a no parolable offense; in other words,
19 you will spend 85 -- at least 85 percent of your
20 sentence? Do you understand that as well?

21 A. Yes, ma'am.

22 Q. All right. You will not be eligible for
23 parole unless you have served at least 85 percent
24 of your sentence.

25 A. Yes, ma'am.

1 THE COURT: Counsel, you agree that
2 that is correct?

3 MR. BAILEY: Your Honor, just to be --
4 just since we're on the record for appellate
5 purposes.

6 THE COURT: Yes, sir.

7 MR. BAILEY: My understanding is she
8 would be entitled to certain work credits
9 that could potentially reduce the sentence
10 by 15 percent, but she would still -- would
11 not be parole eligible, she would still
12 remain parole ineligible.

13 THE COURT: You concur with that as
14 well?

15 MR. BOLUS: We're just using different
16 words. It's basically no parole, but
17 15 percent good time credits and things like
18 that, she understands the 85 percent rule.

19 THE COURT: Very well. Thank you.

20 Q. All right. Also the -- you would appear on
21 the child abuse registry. Do you understand that
22 is also a consequence of your plea?

23 A. Yes, Your Honor.

24 Q. All right. You are not currently on
25 probation or parole, are you?

1 A. No, ma'am.

2 Q. All right. Now, after consideration of the
3 questions that I have just asked you about your
4 understanding of the nature of the charge and its
5 consequences, do you fully understand the nature
6 of the charge on homicide by child abuse? Do you
7 understand the nature of this charge?

8 A. Yes, ma'am.

9 Q. All right.

10 THE COURT: Did you hear her?

11 THE COURT REPORTER: (Nodding.)

12 A. Yes, ma'am.

13 Q. All right. As well as the maximum possible
14 punishment?

15 A. Yes, ma'am.

16 Q. All right. Now, understanding then the
17 nature of the offense, the maximum possible
18 punishment and consequences, tell me how you wish
19 to plead.

20 MR. BOLUS: Can she read a -- I mean --

21 THE COURT: She can read. If that's
22 her intention, if that helps her with the
23 words.

24 MR. BOLUS: I think it does.

25 THE COURT: Certainly.

1 MR. BOLUS: Because the Alford thing
2 is --

3 THE COURT: Sure.

4 A. I am pleaing under the Alford vs. North
5 Carolina.

6 Q. All right. You're pleading guilty pursuant
7 to Alford vs. North Carolina?

8 A. I understand.

9 MR. BOLUS: Say yes or no.

10 A. Yes, ma'am.

11 Q. Okay. Very well. So it is your intention
12 then to -- would you want to read that to me?

13 A. Yes, ma'am.

14 Q. All right.

15 A. I understand that I'm entering into this
16 plea that I'm not admitting guilt, but I do
17 understand that there is enough evidence that a
18 jury would convict me of the homicide by child
19 abuse due to the reckless indifference.

20 Q. All right.

21 A. So, therefore, I am pleaing to homicide by
22 child abuse.

23 Q. Pleading guilty to homicide by child abuse
24 pursuant to Alford vs. North Carolina?

25 A. Yes, ma'am.

1 Q. All right. Do you understand that when you
2 plead guilty even under Alford vs. North Carolina
3 that you give up certain important constitutional
4 rights?

5 A. Yes, ma'am.

6 THE COURT: Did you get that?

7 THE COURT REPORTER: (Nodding.)

8 Q. You give up the right to remain silent, the
9 right against self-incrimination, the presumption
10 of innocence, you give up the right to require
11 the State to prove you guilty beyond a reasonable
12 doubt if they can, the right to confront
13 witnesses, the right to compel the attendance of
14 witnesses in your own defense, the right to
15 present defenses, the right to challenge any
16 incriminating statements that you may have made
17 in this case and your right to a jury trial. And
18 there are other rights. Do you understand these
19 rights?

20 A. Yes, ma'am.

21 Q. I need you to --

22 A. Yes, ma'am.

23 Q. All right. And do you wish to give up these
24 rights and enter a plea of guilty even under
25 Alford vs. North Carolina?

1 A. Yes, ma'am.

2 Q. Do you clearly understand that if you plead
3 guilty pursuant to Alford vs. North Carolina that
4 you waive a right to have a jury determine your
5 guilt or your innocence, and that if I accept
6 your plea I will sentence you?

7 A. Yes, ma'am. I understand.

8 Q. Do you understand that before sentencing you
9 that I will hear both aggravating as well as
10 mitigating circumstances?

11 A. Thank you, Your Honor, yes, ma'am.

12 Q. All right. Understanding --

13 MR. BOLUS: Your Honor, I would also
14 put on the record that she understands that
15 we will hear from Dr. Sexton on Wednesday
16 and that he will be under oath and that I
17 will be at least asking him some questions.
18 The same, Mr. Bailey will ask some of my
19 witnesses that I may choose to put under
20 oath, so she's not giving up the right to
21 those kind of questions. But just to make
22 sure everybody understands we will be
23 putting up some people and both sides will
24 have some chance to question some of the
25 people.

1 THE COURT: That goes to sentencing.

2 MR. BOLUS: Right.

3 THE COURT: Doesn't go to the
4 underlying plea. It's important that she
5 understands that --

6 MR. BOLUS: That's right.

7 THE COURT: -- insofar as the plea is
8 concerned that once she waives the -- or
9 once she pleads guilty that the rights to a
10 jury trial to determine guilt or innocence
11 would be then gone. That's what I think is
12 important for her to understand.

13 MR. BOLUS: You understand that?

14 BY THE COURT:

15 Q. Do you understand that?

16 A. Yes, ma'am.

17 Q. All right. By the same token, insofar as
18 sentencing is concerned under the homicide by
19 child abuse statute there is occasion, both to
20 the State as well as to the defense, an
21 opportunity to present aggravating as well as
22 mitigating circumstances. And that I am prepared
23 to hear. Very well. You understand that,

24 Ms. Hall?

25 A. Yes, ma'am.

1 Q. Again, what is important, though, for you to
2 understand is that the constitutional rights that
3 I've just gone over with you, which of course
4 there are many of them, and your right to a jury
5 trial, that those are all waived when you plead
6 guilty even under North Carolina vs. Alford. Do
7 you understand that?

8 A. Yes, Your Honor.

9 Q. Very well. All right.

10 THE COURT: Now, Mr. Bailey.

11 MR. BAILEY: Yes, ma'am.

12 THE COURT: You have in great detail
13 been over the facts, you did that, I
14 believe, on Wednesday. I am well aware of
15 the facts, you went over them just Wednesday
16 and I certainly remember your recitation of
17 the facts. I would ask if you would care to
18 do that again, or would you care to
19 incorporate that recitation at this time?

20 MR. BAILEY: Your Honor, I would move
21 to incorporate the recitation that I gave
22 last week and would request the court
23 reporter make that transcript part of this
24 transcript so we have all that together.

25 THE COURT: Any objection to that,

1 Mr. Bolus?

2 MR. BOLUS: No objection.

3 THE COURT: Very well.

4 BY THE COURT:

5 Q. And, Ms. Hall, do you recall the recitation
6 of facts that Mr. Bailey went over last week?

7 A. Yes, ma'am. I certainly do.

8 Q. Very well. All right.

9 THE COURT: Then we will do that,
10 Mr. Bailey, we will incorporate your
11 recitation of facts from last week into this
12 week.

13 MR. BAILEY: Okay.

14 Q. I will ask this question of you, Ms. Hall,
15 and that is understanding the nature of the
16 charge, the possible penalties, the other
17 consequences and your constitutional rights, do
18 you still wish to continue with this plea?

19 A. Yes, ma'am.

20 Q. All right. Now, with regards to the
21 recitation of the facts that Mr. Bailey went over
22 with me last week, I would ask first whether or
23 not you have had an opportunity to review with
24 your attorney, or perhaps without your attorney,
25 but have you reviewed all of the evidence which

1 the State has and would intend to use in order to
2 present its case?

3 A. Yes, ma'am.

4 Q. All right. You've been over the statements,
5 you've been over the autopsy report, the forensic
6 evidence and all of the evidence?

7 A. Yes, ma'am.

8 THE COURT: All right. And you can
9 confirm that as well, Mr. Bolus?

10 MR. BOLUS: Judge, this is half my
11 file, her file is just as big as my file.

12 A. It's just I only brought this when I took it
13 with me today.

14 Q. I understand. What is important for me to
15 know is that you are satisfied that you have been
16 through the State's case; in other words, the
17 evidence which the State would intend to present
18 at trial to prove your guilt.

19 A. Yes, ma'am. I have it.

20 Q. And based upon your review of that evidence,
21 based upon your review of that evidence with your
22 lawyer, do you believe that the State could
23 produce sufficient evidence to convict and
24 establish your guilt beyond a reasonable doubt,
25 and that if you were to stand trial that your

1 conviction would be probable?

2 A. Yes, ma'am.

3 Q. Is that the purpose and the reason for your
4 plea?

5 A. Yes, ma'am.

6 Q. Okay. In other words, you have chosen to
7 plead guilty under Alford vs. North Carolina
8 based upon your review of the evidence which the
9 State would intend to show in the trial to prove
10 your guilt and that you are satisfied that the
11 State would be successful in --

12 A. Proving that I was under the reckless
13 indifference, yes, Your Honor.

14 Q. Okay. And would prove you guilty of
15 homicide by child abuse?

16 A. Yes.

17 Q. Okay.

18 A. Yes, ma'am.

19 Q. All right.

20 THE COURT: Any questions along that
21 line that you care to ask at this point,
22 Mr. Bailey?

23 MR. BAILEY: No, ma'am. I just would
24 like to say for the record that I have
25 provided the defense with the entire State's

1 file. Mr. Bolus has that and it's my
2 understanding Mr. Bolus has given the entire
3 file to his client, so when she answered
4 those questions that was with the --
5 everything the State has.

6 THE COURT: Thank you, Mr. Bailey. And
7 I know that that is the policy of your
8 office.

9 MR. BAILEY: Yes, ma'am.

10 THE COURT: And you're satisfied that
11 you have received all the information that
12 the State has, Mr. Bolus; is that right?

13 MR. BOLUS: I have given my client and
14 to her mother. And the copy costs in this
15 file it's not too frivolous, it was
16 extensive. I mean I have every letter,
17 everything that has gone into the jail and
18 been delivered to her in person and her
19 mother probably has 95 percent of my file
20 also. I wanted to keep them all apprised of
21 the situation.

22 THE COURT: Thank you, Mr. Bolus. And
23 you're satisfied you have received all that
24 the State has?

25 MR. BOLUS: I believe so.

1 BY THE COURT:

2 Q. All right. Ms. Hall, has anyone promised
3 you anything, or held out any hope of a reward to
4 get you to plead guilty?

5 A. No.

6 Q. Even under Alford vs. North Carolina?

7 A. No, ma'am.

8 Q. All right. Has anyone threatened you, or
9 used force, or intimidation to get you to plead
10 guilty under Alford vs. North Carolina?

11 A. No, ma'am.

12 Q. All right. Has anyone used pressure to get
13 you to plead guilty under Alford vs. North
14 Carolina?

15 A. No, ma'am.

16 Q. Have you had enough time to make up your
17 mind as to whether or not you wish to plead, want
18 to plead guilty under Alford vs. North Carolina?

19 A. Yes, ma'am. I've had adequate time.

20 Q. And are you pleading guilty under Alford vs.
21 North Carolina of your own freewill and accord?

22 A. Yes, ma'am.

23 Q. Are you satisfied with the manner in which
24 Mr. Bolus has advised you and represented you?

25 A. Yes, ma'am.

1 Q. Have you talked with him for as often and
2 for as long as you feel necessary for him to
3 properly represent you?

4 A. Yes, ma'am.

5 Q. Do you need any more time to talk to him?

6 A. No, ma'am.

7 Q. Have you understood your talks with
8 Mr. Bolus?

9 A. Yes, ma'am.

10 Q. All right. Has your lawyer done everything
11 for you that you feel he should have done or
12 could have done to properly represent you?

13 A. Yes, ma'am.

14 Q. Has your lawyer done anything in this case
15 that you feel he should not have done?

16 A. No, ma'am, Your Honor.

17 Q. Are you completely satisfied with your
18 lawyer's services?

19 A. Yes, ma'am.

20 Q. Okay. Now, do you have any complaint that
21 you want to tell me about your lawyer, the
22 solicitor, any of the police officers involved in
23 your arrest, or any of the employees at the
24 detention facility? By this, Ms. Hall, I'm
25 asking you has anyone associated with this case

1 mistreated you in any way?

2 A. No, ma'am.

3 Q. All right. Have you understood my
4 questions?

5 A. Yes, Your Honor, I have.

6 Q. Is there anything that you would like to ask
7 me about what we've just been over?

8 A. No, ma'am.

9 Q. All right. Do you understand that you have
10 a right to appeal the guilty plea and sentence of
11 this Court, and that you or your lawyer must do
12 so within ten days of the sentencing?

13 A. Yes, ma'am.

14 Q. All right.

15 A. I was not aware of that, but thank you for
16 bringing that to my attention.

17 Q. Very well. Now, has anyone suggested to you
18 how to answer my questions?

19 A. No, ma'am.

20 Q. Have your answers been your very own
21 answers?

22 A. Yes, ma'am.

23 Q. And finally with respect to each and every
24 answer that you have given the Court, have you
25 been absolutely candid and truthful with me?

1 A. Yes, ma'am.

2 Q. All right.

3 THE COURT: Based upon the recitation
4 of facts given to me by the solicitor on
5 Wednesday, which I am well aware and
6 remember, I find that there is a substantial
7 factual basis for this plea, and I find that
8 Ms. Hall's decision to plead guilty is
9 freely, voluntarily, knowingly, and
10 intelligently made, and that she has had the
11 advice and counsel of Mr. Bolus with whom
12 she says she is satisfied and I'll accept
13 the plea.

14 MR. BAILEY: Your Honor, may I say one
15 further thing for the record?

16 THE COURT: Yes, sir.

17 MR. BAILEY: I think I covered this
18 last week, but I think it should be in here.

19 THE COURT: Yes, sir.

20 MR. BAILEY: There was another
21 indictment, 2000-GS-18-628 charging her with
22 murder. And there is a plea negotiation to
23 the extent that the State is agreeing that
24 if this homicide by child abuse plea is
25 accepted the State will nol pros that murder

1 indictment. I just want to make sure that's
2 part of the record here, too.

3 THE COURT: Thank you, Mr. Bailey. I
4 remember that from last week.

5 MR. BAILEY: Thank you.

6 THE COURT: Very well. It is my
7 understanding that we will hear from
8 Dr. Sexton on Wednesday and we will have
9 direct and cross-examination of him at that
10 time, then on Thursday we will conclude my
11 hearing both the aggravating as well as the
12 mitigating circumstances in this matter and
13 then sentencing will be on Thursday after we
14 have concluded that testimony. Is that your
15 understanding, Mr. Bailey?

16 MR. BAILEY: That's my understanding,
17 Your Honor.

18 THE COURT: And yours, Mr. Bolus?

19 MR. BOLUS: I would understand
20 Mr. Bailey would like me here around two
21 o'clock on Wednesday if that would fit the
22 Court's schedule for Dr. Sexton, on
23 Wednesday.

24 THE COURT: On Wednesday.

25 MR. BAILEY: If I hear from Dr. Sexton

1 and it will be later than that I'll advise
2 the Court and Mr. Bolus.

3 THE COURT: I'm sure I'll be here, so
4 Mr. Bolus you'll need to know.

5 MR. BOLUS: Would the Court like to
6 start Thursday? I need to get my witnesses
7 together in the morning at like ten o'clock,
8 or would you prefer later? I have a number
9 of people I need to call.

10 THE COURT: You all are uniquely aware
11 of how many witnesses there will be. The
12 only thing that I would ask of you is to
13 begin sufficiently early so that we will
14 have time to conclude that work, give me a
15 little bit of time to reflect and then have
16 sentencing on Thursday. I would like to
17 conclude this matter on Thursday, so I'll
18 leave it to the two of you all.

19 MR. BOLUS: I would suggest we need
20 probably four hours to do it also. I was
21 thinking maybe ten o'clock, if that's okay.

22 THE COURT: I have no objection to
23 that. We can do work before you arrive,
24 that would be fine. If that suits your
25 schedule, Mr. Solicitor, it suits mine.

1 MR. BAILEY: 10:00 will be fine.

2 THE COURT: Thank you. We will be
3 concluded in this matter.

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STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
: COUNTY OF DORCHESTER) CASE NO. 2001-GS-18-1126

 **ORIGINAL**

STATE OF SOUTH CAROLINA,) VOLUME III (Pages 153 - 222)
Plaintiff,) TRANSCRIPT OF RECORD
-versus-) GUILTY PLEA/SENTENCING
NORMA PATRICK HALL,) April 17, 2002
Defendant.) St. George, South Carolina

B E F O R E:

The Honorable Diane S. Goodstein

A P P E A R A N C E S:

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I N D E X

<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
RUDOLPH E. MANCKE, III				
Mr. Bailey.....	156			166
Mr. Bolus.....				164
JONATHAN M. HEHN				
Mr. Bolus.....	169			
Mr. Bailey.....				174
JAMES A. BELL				
Mr. Bolus.....	179			
Mr. Bailey.....				181
JOEL S. SEXTON				
Mr. Bailey.....	183		212, 217	
Mr. Bolus.....		200		218

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
S-01	Small Photograph of Grass.....		162
S-02	Styrofoam Wig Head.....		188
S-03	Large Photograph of Grass.....		162

1 (Wednesday, April 17, 2002.)

2 THE COURT: All right. We are back on
3 the record in State vs. Hall. And the
4 purpose of us being here this afternoon is
5 to begin to take testimony regarding
6 aggravating and mitigating circumstances
7 prior to the sentencing of Ms. Hall pursuant
8 to the statutory configuration.

9 Anything before we begin, counsel?
10 Mr. Bailey?

11 MR. BAILEY: Your Honor, only I was
12 going to call Rudy Mancke. Ordinarily
13 Dr. Sexton would testify first, he's
14 expected to be here around 4:00 or 4:15. I
15 think Mr. Bolus had no objection to that,
16 then he had a couple people he wanted to
17 call in between.

18 THE COURT: All right. Mr. Bolus, is
19 it acceptable to your client that witnesses
20 be taken out of order?

21 MR. BOLUS: Yes. I have two that need
22 to be away tomorrow, would like to testify
23 today, make a statement, that way they would
24 be relieved for tomorrow.

25 Mr. Bailey, I misplaced

1 Mr. Mancke's report, I think there was a
2 report, if I could look at it.

3 MR. BAILEY: Sure.

4 MR. BOLUS: I know it's somewhere in
5 the file because I called and talked to him
6 but I don't have it anymore. If I could
7 just look at it, I think it was a letter.
8 Thank you.

9 MR. BAILEY: The State would call
10 Mr. Mancke, Rudy Mancke.

11 THE COURT: Yes, sir. If you would
12 come along, please, and be sworn.

13 (Rudolph E. Mancke, III, called as a
14 witness, having first been duly sworn, is
15 examined and testifies as follows:)

16 THE COURT: If you would please be
17 seated. And when you are seated, if you
18 would state your full name for the record
19 and spell your last name.

20 THE WITNESS: Rudolph Ernest Mancke,
21 M-a-n-c-k-e, III.

22 DIRECT EXAMINATION

23 BY MR. BAILEY:

24 Q. Mr. Mancke, please tell the Court where
25 you're employed now.

1 A. I'm a professor, distinguished lecturer in
2 natural history at the University of South
3 Carolina.

4 Q. All right, sir. How long have you held that
5 position?

6 A. Just since January.

7 Q. Prior to that what did you do?

8 A. I was director of science and nature
9 programing at South Carolina Educational
10 Television since 1985 and ten years before that
11 curator of natural history, South Carolina State
12 Museum in Columbia.

13 Q. All right, sir. I believe you had a program
14 "Nature Scene" that's been on ETV for many, many
15 years?

16 A. Yes. It's continually running.

17 Q. All right, sir. And would you tell the
18 Court what experience, if any, you have had in
19 learning to identify plants by their scientific
20 classifications?

21 A. All right. I've been a naturalist all of my
22 life, I went to Wofford College and got a BS
23 degree in biology. And as a naturalist I look at
24 plants, animals, rocks, minerals, and fossils.
25 And so when the state museum began in 1975 I was

1 the first curator, hired as curator of natural
2 history, which means I deal with plant
3 identification, animal identification, rock,
4 minerals, and fossil identification.
5 Specifically in South Carolina in the southeast,
6 but really all over the northern hemisphere.

7 MR. BAILEY: I would tender Mr. Mancke
8 as an expert in the field of plant
9 classification.

10 THE COURT: Would there be any voir
11 dire?

12 MR. BOLUS: No, ma'am.

13 THE COURT: Any objection?

14 MR. BOLUS: No. I like his show and I
15 think he is an expert.

16 Q. All right. Mr. Mancke, I want to ask
17 whether or not you had occasion to see Lieutenant
18 Earl Asbell of the Dorchester County Sheriff's
19 Office about May the 9th, 2001?

20 A. Yes. He called me and asked for some help.

21 Q. All right, sir. And did Mr. Mancke [sic]
22 give you some samples of what he characterized as
23 grass that was purported to have come from the
24 area of a ditch on a hunting club property in
25 Dorchester County?

1 A. Yes. I received some specimens that were
2 identified as grass, quote, unquote, grass.

3 Q. Was there a specimen identified to you as
4 coming from the high ground above the canal?

5 A. Yes. I looked at a sample from above the
6 canal and in the canal or at the base of the
7 canal.

8 Q. All right, sir. And I would ask whether or
9 not on that same date did Mr. Asbell give you a
10 plant material removed from the stomach of
11 VICTIM during the autopsy by Dr. Sexton as
12 purported to you? And I understand you were not
13 present at the autopsy.

14 A. No, I was not present at the autopsy. I saw
15 an autopsy photograph. Yes, I received some
16 specimens from the stomach of the little boy.

17 Q. All right, sir. I'm going to show you an
18 enlargement of a photograph taken by Dr. Sexton
19 at the autopsy.

20 A. Yes.

21 Q. And ask if this appears to be a photograph
22 of the plant material you observed?

23 A. Yes, it does.

24 Q. All right, sir. And would you state whether
25 or not you compared that plant material with the

1 plant material that Earl Asbell gave you that was
2 taken from the high ground above the canal?

3 A. I compared it with the material on the high
4 ground above the canal and there was not a match.

5 Q. Okay. And did you then compare that plant
6 material taken from the autopsy of

7 VICTIM with the plant material that
8 Mr. Asbell recovered from the bottom of the
9 canal, the wet area?

10 A. Yes. And identified the plant as Baldwin
11 spike-rush, *eleocharis baldwinii*, and there was a
12 direct match. There was no way to differentiate
13 between the two specimens.

14 Q. By the two specimens, you're referring to
15 the specimen of the plant material from the
16 bottom of the canal and the specimen removed from
17 the child's stomach at autopsy?

18 A. Yes, sir.

19 Q. And the Baldwin spike-rush, what kind of
20 plant is that?

21 A. It's a plant that does very well in low,
22 wetter situations, you never find it on high, dry
23 ground, pretty widespread on the costal plain of
24 South Carolina. And really tilts over, the plant
25 will tilt over and root and cover large areas.

1 Relatively grass-like when you first look at it.
2 It had fruit on it so it made identification
3 relatively easy.

4 Q. All right, sir. And would you state whether
5 or not that you examined the plant material from
6 the baby's stomach, whether or not you observed
7 anything unusual about the configuration of the
8 plant material?

9 A. Well, I'm in the field a lot, so I see
10 plants that have been walked on or made part of a
11 nest of an animal. And what surprised me a
12 little bit, or what was very clear to me was that
13 this material had been folded --

14 Q. All right.

15 A. -- in a way that --

16 Q. Let me interrupt you a second. I'm going to
17 ask you if you'll look at the enlarged
18 photograph.

19 MR. BAILEY: And I'm going to have this
20 marked, Your Honor, if I might.

21 THE COURT: Yes.

22 MR. BAILEY: State's 1.

23 THE COURT: For ID or into evidence?

24 MR. BAILEY: Into evidence, Your Honor,
25 for purposes of sentencing.

1 THE COURT: All right. Any objection?

2 MR. BOLUS: Except I do believe we had
3 Exhibit 1 and 2 entered the other day. It
4 would probably be 3 unless I'm mistaken.

5 THE COURT: All right.

6 MR. BOLUS: I don't have any objection.

7 MR. BAILEY: Whatever's next, Your
8 Honor.

9 THE COURT: Whatever the number is
10 we'll ascertain that, but will be marked and
11 go into evidence as a State's Exhibit
12 without objection. It is a board with a
13 photograph of grass. We'll identify it at
14 this time as State's Exhibit 3.

15 (Entered into evidence was State's Exhibit
16 1, small photograph of grass.)

17 (Entered into evidence was State's Exhibit
18 3, large photograph of grass.)

19 Q. I'm going to hand you what's now been marked
20 as State's Exhibit 3, which is the plant material
21 removed from VICTIM's stomach, if you would
22 display that so the judge can see it and go ahead
23 and -- if you want me to repeat my last question.
24 I think I asked you if there was anything unusual
25 about the appearance or configuration of the

1 plant material?

2 A. I think the thing that struck me was that it
3 seemed to be folded in two ways, a fold out here,
4 a bend here, and a fold back that way as if you
5 had something that was long, folded it in half
6 and you folded it again.

7 Q. Okay.

8 A. And I saw that on a number of individuals,
9 boom, boom, boom, like that. And that's --
10 struck me as odd. That's something that probably
11 an animal would not do to build a nest or
12 something like that. If a mouse used it usually
13 you strip it and make a nest out of it. So it
14 didn't look like a creature had done the bending.

15 Q. The bending, again, you described this as
16 being double folded, folded one over the other
17 again?

18 A. That's what it looked like to me. I am not
19 an expert on folding things, but it looked like
20 it was something long that was bent in half and
21 then bent one more time.

22 Q. Okay. Do you have an opinion as to whether
23 or not the bending, the double folding and double
24 bending would be something you would expect to
25 find in nature, or that you have in fact found in

1 nature?

2 A. From my looks at nests of small mammals,
3 squirrels, and things smaller than that I never
4 had seen it folded quite in that way. And that
5 did strike me, the autopsy photo especially and
6 the specimens seemed a little odd in that way to
7 me.

8 Q. All right, sir. And do you have an opinion
9 on whether or not human involvement was involved
10 in that folding?

11 A. Well, I'm not an expert on folding, but
12 looking at it I would suppose that human hands
13 were involved in the folding of the spike-rush.

14 Q. Mr. Mancke, I believe that's all I have.
15 Please answer any questions Mr. Bolus may have
16 for you.

17 A. Yes, sir.

18 THE COURT: Cross-examination.

19 CROSS-EXAMINATION

20 BY MR. BOLUS:

21 Q. Mr. Mancke, I talked to you on Tuesday,
22 December the 11th, 2001, called me at my house, I
23 appreciate that.

24 A. Yes, sir. Glad to do it.

25 Q. You indicated to me you had no idea how the

1 grass got in the baby's stomach?

2 A. No. I didn't have a chance to look. If I
3 had been involved maybe on autopsy there would
4 have been more evidence for that. And perhaps
5 that will show up in the court record, but I have
6 no way of knowing how it got there. But I was
7 shown an autopsy photo that it was there and
8 given the material and that's what I worked with.

9 Q. Okay. And it's not impossible that the
10 grass could have been folded by other means other
11 than human involvement, is it?

12 A. I don't think it's absolutely impossible,
13 no.

14 Q. Okay. How big was the grass, was it just a
15 sliver?

16 A. It's about that long.

17 Q. About 8 inches?

18 A. Well, yeah. You're better at that than I
19 am. I'm terrible at judging size, but the fold
20 would make it maybe about that long.

21 Q. And then it was folded again?

22 A. Yeah. It looked like most of them were
23 doubly folded. And a sharp edge fold, you know,
24 it wasn't twisted or wrinkled like something
25 stepped on it and twisted their foot. It looked

1 like it was folded with something in mind to make
2 something long, short.

3 Q. Was it one sliver or is it various slivers?

4 A. Various slivers, a number of them. I think
5 that was the thing, the autopsy photo I noticed,
6 too, that there seemed to be more than one that
7 was folded that way and that's what caught my
8 attention.

9 Q. Okay. Thank you very much. That's all.

10 A. Yes.

11 THE COURT: Any redirect?

12 MR. BAILEY: Yes, ma'am. Very briefly.

13 REDIRECT EXAMINATION

14 BY MR. BAILEY:

15 Q. When you said that more than one was folded,
16 are you talking about individual, I'm going to
17 call it grass?

18 A. Yes, sir.

19 Q. I know it's not technically grass.

20 A. That's fine.

21 Q. But just for layman's terms grass. Was it a
22 situation where each blade of grass was folded
23 once and folded again, or was a handful of grass
24 folded once and folded again?

25 A. I couldn't have because I had bits and

1 pieces of material, but it looked to me like
2 judging from the pieces I had, that there were a
3 number of pieces folded once and folded again
4 together.

5 Q. Okay. To make sure we're clear --

6 A. There's no way to absolutely know that.

7 Q. If you can refer to the enlarged photograph
8 again and point out to the judge, please, what --

9 A. Yeah. I was looking at this and this and
10 this one, see, that comes down and is twisted the
11 same way, the same way over here. I didn't get
12 the entire bundle.

13 Q. Okay.

14 A. But what I was given I, of course, returned
15 after examining it. And the identification was
16 very straightforward, I was just struck by the
17 folding and I thought it was worth mentioning in
18 the report.

19 Q. Thank you, sir. That's all I have.

20 A. Yes, sir.

21 THE COURT: Any recross?

22 MR. BOLUS: No, ma'am.

23 THE COURT: Is this witness free to
24 leave, counsel?

25 MR. BAILEY: Yes, ma'am.

1 THE COURT: You are free to go.

2 MR. BAILEY: Thank you, Mr. Mancke,
3 appreciate it.

4 THE WITNESS: Thank you.

5 THE COURT: Thank you. You can just
6 leave that right there, it will be perfectly
7 fine.

8 THE WITNESS: Leave it with her?
9 (Whereupon, the witness steps down from the
10 witness stand.)

11 THE COURT: Mr. Bailey, do you have any
12 other witnesses at this time?

13 MR. BAILEY: Not at this time. I think
14 Mr. Bolus has two witnesses he wanted to
15 take out of order.

16 MR. BOLUS: Mr. Hehn had spent some
17 time the other day, about three hours, and
18 spent a lot of time on Monday with my client
19 and he would like to get back to his
20 business. I would like to call Mark Hehn.

21 THE COURT: All right. I'm going to
22 have him come along and be sworn and be
23 seated. Whether or not there's
24 cross-examination will be up to the
25 solicitor.

1 MR. BOLUS: I think it's a statement,
2 really.

3 THE COURT: Fine. Come along,
4 Mr. Hehn.

5 (Jonathan M. Hehn, called as a witness,
6 having first been duly sworn, is examined
7 and testifies as follows:)

8 THE COURT: Come on around, Mr. Hehn,
9 and be seated. Ms. Saulisbury will help you
10 with that microphone.

11 THE WITNESS: All right.

12 THE COURT: When you are seated, if you
13 would just state your full name for the
14 record and spell your last name.

15 THE WITNESS: Jonathan Marcus Hehn, the
16 last name is spelled H-e-h-n.

17 DIRECT EXAMINATION

18 BY MR. BOLUS:

19 Q. Mr. Hehn, what is your occupation?

20 A. I'm the director of Berkeley Water &
21 Sanitation Authority.

22 Q. Were you formerly the supervisor of
23 Dorchester County?

24 A. The counter administrator.

25 Q. Okay. And what years were those?

1 A. From '79 to '84.

2 Q. Okay. And in your capacity did you have an
3 occasion to meet Norma Hall?

4 A. Yes.

5 Q. And how long have you known Norma?

6 A. I would say since about 1980.

7 MR. BOLUS: Okay. And, Judge, at this
8 point I'd like him to make a statement, like
9 general terms most people do at plea about
10 Norma's character because you could take any
11 mitigation that she so desire. And the
12 rules of evidence are a little bit relaxed
13 in these kind of hearings, so if Mr. Hehn
14 would make a statement on behalf of Norma
15 Hall I would appreciate it.

16 THE COURT: All right. No objection
17 from the State, is there, Mr. Bailey?

18 MR. BAILEY: No objection, Your Honor.
19 I agree they do not apply to sentencing
20 hearing under the rules.

21 THE COURT: Thank you.

22 MR. BAILEY: That's fine.

23 THE COURT: Listening to you, Mr. Hehn.

24 MR. HEHN: Your Honor, I want to talk
25 to you about Norma and how I knew her, what

1 she did for the county and how conscientious
2 she was. And I want you to know that she
3 was very loyal to me when I was here. And
4 that might have hurt her after I was
5 terminated from the county because she was
6 pushed into a conference room I remember the
7 day after I was fired.

8 And I want you to know that she
9 called me the day after I was fired and she
10 said, "Mark, they put me into the conference
11 room and they're taking all of the files."
12 We did a good job of maintaining a lot of
13 grant files here, and I kept telling her
14 that there was going to be a time when the
15 county would be audited and we had to be
16 very careful. And she was very concerned
17 that the files were being thrown into the
18 old warehouse, is where the jail is now.
19 And so I just want to use that as an example
20 of how conscientious she was about the job
21 she had done, what she was trying to do.

22 And I did spend two and a half
23 hours with her Monday, I came up last week
24 when she said she had been on drugs. And I
25 heard her say that and I'm sorry she did

1 that. You know, I don't want to say
2 anything to hurt Norma, but the girl that
3 worked for me in 1980 to '84 or so, she
4 worked in the sewer department, then she
5 came to work directly for me, she was very
6 sharp, she could take phone calls from
7 people with bits and pieces of fragmented
8 information and she could find out what the
9 problem was, sort through it on her own,
10 very helpful. And she could solve the
11 problems, or answer questions, or direct
12 them to people that could help them.

13 And I don't know what's happened,
14 you know, in the last few years, but the
15 girl that's here is a sharp girl, but she's
16 not the girl that worked for me, you know,
17 she's not as -- I'm not a doctor, but, you
18 know what I'm trying to say? She was very
19 sharp at that time.

20 **THE COURT:** I do understand what you're
21 saying.

22 **MR. HEHN:** And I'm concerned. And I
23 didn't stay in close contact with her, I
24 know, and after she had her oldest son she
25 brought him by the house and visited with us

1 and one of the things -- you know, her
2 father was the -- worked for the Department
3 of Highways, he was the county maintenance
4 engineer, her mother worked downstairs. All
5 close, it's a small community, everybody's
6 very close, well respected, good family.

7 Norma was from St. George, I think her
8 husband was from St. George, her
9 mother-in-law worked at the bomb plant, was,
10 I believe, a secretary to the base
11 commander. Her husband was -- worked with
12 the bomb plant there where my office is.

13 When the decision was made to
14 relocate the missiles to King's Bay they had
15 to relocate down there and it's -- you know,
16 I think that if that decision had never been
17 made and they were all right here we
18 wouldn't be here today. You know, if things
19 stayed like they were, I'm sure that she and
20 Lamar would be there together with their
21 children and we wouldn't have this problem.
22 She was just a great, good girl and it was a
23 good family and, you know, I'm just so sorry
24 I didn't get to spend a lot of time with her
25 and I'm so sorry we're here today.

1 But I would like you to know that
2 she has not always been someone who would --
3 I don't believe she would kill her child
4 intentionally, I don't think the Norma I
5 know could ever do anything like that.
6 Something terrible has happened. She told
7 me she would never kill her child and I
8 talked to her at length about -- you know,
9 on Monday and I don't know what else I can
10 say. I hope I -- you know, I just -- I want
11 you to know that she was a great girl.

12 THE COURT: Thank you.

13 MR. HEHN: Yes, ma'am.

14 THE COURT: Thank you. Does that
15 prompt any questions from anyone?

16 MR. BOLUS: No.

17 MR. BAILEY: I'm sorry. I would like
18 to ask a few questions if I might, Your
19 Honor.

20 THE COURT: Sure. Sure.

21 CROSS-EXAMINATION

22 BY MR. BAILEY:

23 Q. Ms. Hall last worked for you in 1984; is
24 that correct?

25 A. That's correct.

1 Q. All right, sir. At that time she was
2 married to David Lamar Patrick?

3 A. Yes.

4 Q. Okay. And you mentioned the fact that
5 Mr. Patrick got transferred to Georgia, I
6 believe?

7 A. Yes.

8 Q. Okay. And after Norma Hall left South
9 Carolina, did you have any contact with her?

10 A. Yes.

11 Q. Okay. Tell me about that.

12 A. She called from a real estate office, she
13 worked in a real estate office there, she called
14 to tell me about what was going on in her life,
15 and I think maybe two or three times. You know,
16 we're all busy and maybe on Friday afternoons we
17 catch up, we get to call people we want to call.
18 And I think I called her once or twice, and the
19 last time I called they said that she was no
20 longer there.

21 Q. Okay. All right. Do you recall about when
22 that was?

23 A. It's sometime between '85 and today. You
24 know, it was -- I'd say more than five years ago,
25 I really don't remember.

1 Q. All right, sir. She had two children as a
2 result of the first marriage?

3 A. I only saw her oldest son.

4 Q. Okay. And are you aware that she and her
5 first husband that you mentioned were divorced in
6 1998?

7 A. Not specifically when, but I'm aware of
8 their divorce.

9 Q. Okay. And were you aware that when they
10 were divorced that she was served by publication
11 because she had left the state of Georgia?

12 A. No, I'm not.

13 Q. Okay. And were you aware that her husband
14 got custody of those two children?

15 A. I know they're with him now, but I'm not
16 aware of that either.

17 Q. That her daughter was two years old at that
18 time?

19 A. I'm not aware of that, no.

20 Q. And do you know when Ms. Hall moved back to
21 Dorchester County?

22 A. I do not, no. A friend of mine had seen her
23 working at -- that used to work here with me, had
24 seen her at the convenience store where she was
25 working and mentioned that he'd seen her and

1 that's all I know.

2 Q. Did you have any telephone contact at all,
3 or personal contact, or letters, anything with
4 Ms. Hall from the time she moved from Georgia
5 back to Dorchester County, from that time up
6 until April 22nd or so when she killed her child?

7 A. No.

8 Q. Thank you, sir. That's all I have.

9 THE COURT: All right. Thank you.
10 Thank you, Mr. Hehn.

11 THE WITNESS: You're welcome.
12 (Whereupon, the witness steps down from the
13 witness stand.)

14 THE COURT: Now, you wanted to call
15 someone else, I think, Mr. Bolus.

16 MR. BOLUS: I was looking for Attorney
17 Jim Bell, but he is not here yet, I don't
18 think.

19 THE COURT: Go check outside the
20 courtroom. Just see if he is here, or just
21 outside the courtroom. I gather your
22 witness has not yet arrived.

23 MR. BAILEY: Your Honor, I can go back
24 and check. At the time we started he was
25 not here.

1 THE COURT: All right. I just want to
2 hear if Mr. Bell is outside the courtroom,
3 and we can go ahead and hear from him,
4 otherwise we'll take a break until four
5 o'clock.

6 MR. BAILEY: All right.

7 THE COURT: We'll recess. If either
8 Mr. Bell or Dr. Sexton arrive, if you'll
9 just let me know.

10 MR. BAILEY: Thank you, Your Honor.
11 (Recess, from 3:47 p.m. to 4:18 p.m.)

12 THE COURT: All right. I now
13 understand, or I understand that both of the
14 witnesses that we were anticipating have
15 arrived. I understand, Mr. Bolus, you wish
16 to call Mr. Bell and then, Mr. Bailey,
17 you'll call Dr. Sexton; is that correct?

18 MR. BAILEY: Yes, ma'am.

19 MR. BOLUS: I would call Attorney James
20 Bell.

21 THE COURT: All right. If you'll come
22 along, please, and be sworn.

23 • THE CLERK: Need you to raise your
24 right hand, place your left hand on the
25 Bible. Give us your full name.

1 THE WITNESS: James A. Bell.

2 (James A. Bell, called as a witness, having
3 first been duly sworn, is examined and
4 testifies as follows:)

5 THE COURT: All right. Mr. Bell, when
6 you have been seated if you would just pull
7 that microphone around, please. Just state
8 your full name for the record.

9 THE WITNESS: James A. Bell.

10 DIRECT EXAMINATION

11 BY MR. BOLUS:

12 Q. Mr. Bell, you're an attorney?

13 A. I am.

14 Q. Were you once the county attorney?

15 A. I was.

16 Q. For how long?

17 A. Seventeen years.

18 Q. And now you're in private practice?

19 A. I am.

20 Q. And I would ask you to, please, make a
21 statement on behalf of Norma Hall and her family.

22 A. During the time I was county attorney, and
23 even before that, I've known Norma's family for
24 many years and I've known her for a number of
25 years. And most especially got to know her real

1 well when she worked with the county as an
2 assistant or secretary for Mark Hehn. Mark was
3 the county administrator and I was the county
4 attorney and I had a lot of activities and work
5 to do for the county with both of them.

6 I found her to be a very fine young
7 lady. She did a good job, she was well thought
8 of by the people that worked with her. I was
9 quite impressed with her. And, you know, I knew
10 nothing different until this incident happened.
11 And at that time, when I first saw it on
12 television and on up through last week and Monday
13 of this week, I -- you know, it's just not the
14 Norma that I knew and thought a lot of that's
15 happened. It's not the person that would have
16 done something like this, Your Honor. She was
17 not that type of person.

18 And I do know drugs were involved, so
19 it was told in the court, and that would be the
20 only reason. And I do know, too, knowing her in
21 the past that no matter what your sentence is,
22 Your Honor, she's already sentenced herself, a
23 life sentence that she's going to suffer because
24 of what she did. And I would ask the Court for
25 any mercy that you can give her.

1 Q. Thank you, Mr. Bell. Appreciate it.

2 MR. BAILEY: If it please Court.

3 THE COURT: Yes, sir.

4 CROSS-EXAMINATION

5 BY MR. BAILEY:

6 Q. Mr. Bell, a couple questions, please. When
7 did your tenure as county attorney end?

8 A. Eighty-seven, I believe.

9 Q. All right.

10 A. Eighty-seven or '88.

11 Q. And between that time and April 2001 did you
12 see Norma Hall?

13 A. Yes, I did. I saw her several times, but
14 one right in around November or December of 2000.

15 Q. Okay. And was that any kind of extended
16 visit that she had with you, or you just ran into
17 her?

18 A. Ran into her in Jedburg.

19 Q. All right. And other than that, between the
20 time that she left as county secretary and you
21 were no longer county attorney, did you have any
22 close contact with her?

23 A. Well, she used my office. She and her
24 husband used my office to close a loan or
25 purchase the property that they were living on.

1 Q. Okay. When was this?

2 A. I cannot tell you. It was in the '90s, but
3 what date I can't tell you, Mr. Bailey.

4 Q. She was living in Georgia in 19 -- in the
5 '90s, was she not, at some point moved from here
6 to Georgia?

7 A. I understand that. I haven't heard that,
8 but I understood she was there.

9 Q. Okay. And let's say from 1998 when the
10 record would show she and her husband were
11 divorced until April 2001, how frequent was your
12 contact with her?

13 A. Two or three times.

14 Q. Okay. Thank you.

15 MR. BOLUS: That's all, Judge. I
16 appreciate it.

17 THE COURT: All right.

18 MR. BOLUS: Thank you, Mr. Bell.

19 THE COURT: Yes, sir.

20 (Whereupon, the witness steps down from the
21 witness stand.)

22 THE COURT: All right, Mr. Bailey.

23 MR. BAILEY: Thank you, Your Honor.

24 The State would call Dr. Joel Sexton.

25 THE CLERK: Stand over here, please.

1 Raise your right hand, place your left hand
2 on the Bible. Give us your full name.

3 THE WITNESS: Dr. Joel Steven Sexton.
4 (Joel S. Sexton, called as a witness, having
5 first been duly sworn, is examined and
6 testifies as follows:)

7 THE CLERK: Thank you. Come around and
8 have a seat.

9 THE COURT: Would you please state your
10 full name for the record and spell your last
11 name.

12 THE WITNESS: It's Dr. Joel Steven
13 Sexton, and that's S-e-x-t-o-n.

14 DIRECT EXAMINATION

15 BY MR. BAILEY:

16 Q. Dr. Sexton, you are a forensic pathologist;
17 is that correct?

18 A. Yes, sir.

19 MR. BAILEY: I believe I talked to
20 Mr. Bolus briefly and we could stipulate
21 that Dr. Sexton is highly qualified as an
22 expert in forensic.

23 MR. BOLUS: Yes, ma'am.

24 THE COURT: Very well. So qualified
25 then.

1 MR. BAILEY: Thank you.

2 Q. Dr. Sexton, I want to call your attention to
3 April 27th, 2001 and ask whether or not you
4 performed an autopsy on the body of a VICTIM
5 six-month-old baby boy named

6 ?

7 A. Yes, I did.

8 Q. All right, sir. Was Lieutenant Earl Asbell
9 from the Dorchester County Sheriff's Office
10 present during the autopsy?

11 A. Let me check my evidence transfer. That
12 rings a bell.

13 Q. Okay.

14 A. Yes, he signed for the evidence.

15 Q. And do you normally in the course of an
16 autopsy weigh and determine the size of the body
17 that's brought to you for the autopsy?

18 A. Yes, that's correct.

19 Q. Okay. And in this case did you do that?

20 A. We did.

21 Q. All right. And how -- what was the -- how
22 tall was this baby?

23 A. We measured the length at 24 inches.

24 Q. Okay. Two feet?

25 A. That's correct.

1 Q. And his weight?

2 A. Weight was 11 pounds, 13 ounces.

3 Q. And during the course of the autopsy did you
4 dissect the baby's head?

5 A. Yes. When we do an autopsy we do a complete
6 examination of the external and internal aspect
7 of the deceased.

8 Q. All right. And, Doctor, would you tell the
9 judge, please, what you observed when the child's
10 head was autopsied, was opened?

11 A. At the time of the autopsy we dissected the
12 head. First I might mention there was no
13 external evidence of bruising, but there was a
14 scrape on the back of the head that was a
15 circular or round scrape, or what we refer to as
16 an abrasion.

17 Internally when we open their scalp in
18 order to see what injury is there in order to get
19 to the brain, it was noted that there was
20 bruising in four locations internally on the
21 scalp. These were in the front of the scalp here
22 in this location high on the front of the
23 forehead, on each side above the right ear and
24 above and in front of the left ear, as well as in
25 the back there was a round or circular contusion.

1 Q. All right, sir. Dr. Sexton, I want to hand
2 you a styrofoam wig head and a marker. And I
3 know you measure things in centimeters,
4 millimeters and all that which don't mean a whole
5 lot to me. If you could indicate the approximate
6 location of the four different injuries that you
7 described and just draw them in with a marker,
8 Doctor.

9 A. I would be glad to. I'm looking at my
10 diagram as I draw this that we did at the time of
11 the autopsy. There was bruising here in the back
12 of the head. And the bruising was in
13 centimeters, a little over 5 centimeters, which
14 is approximately 2 inches. So there was some
15 here on the back of the head that was roughly
16 round that corresponded with the abrasion or
17 scrape on the scalp in that location.

18 On the front of the head the bruise was
19 more linear and it was fairly high on the
20 forehead so that you could see it here above the
21 reflected scalp as well as down into the scalp
22 region.

23 On the right side of the head, and
24 let's see if I have a black marker to draw the
25 ear in for a reference. I've got a blue one here

1 that will do, I think. Above the ear on the left
2 side there was a fairly long contusion that was
3 slightly more than 2 inches in length and a
4 little less than 2 inches in width, but it did go
5 down into the region behind the ear, as you can
6 see in this location on the right side.

7 On the left side, I'll draw a left ear
8 here --

9 THE COURT: I think just a moment ago
10 you said right side and then you said left
11 side, but it was the right side, is the one
12 you've just drawn and identified; is that
13 right?

14 THE WITNESS: Correct. The one I've
15 drawn in from the side was the right side.
16 And I apologize if I said left.

17 A. This would be the left side and it's above
18 the left ear, a little smaller than the other,
19 but it extends up on the side of the head in this
20 fashion. So the one on the left side is more
21 irregular than the other. And I feel like that
22 down inside the ear was probably some bruising as
23 well, but we didn't dissect in that area. But
24 there was bruising on the left side, in the
25 front, on the right side, and in the back.

1 MR. BAILEY: Your Honor, I would offer
2 this into evidence.

3 THE COURT: Any objection?

4 MR. BOLUS: No objection.

5 THE COURT: Very well. State's 2, wig
6 head.

7 (Entered into evidence was State's Exhibit
8 2, styrofoam wig head.)

9 Q. Dr. Sexton, I'm going to hand you back
10 State's Number 2, which is a styrofoam head that
11 you have described to the Court, and would ask
12 whether or not you have an opinion, to a
13 reasonable degree of medical certainty, on the
14 causation of those bruises?

15 A. Anytime you have bruises in the scalp region
16 like this it's because some object has pinched
17 the tissue, the skin and the underlying soft
18 tissue, the muscle and other tissue, between that
19 object that the head either falls against or is
20 struck by. So bruises occur when small
21 capillaries are ruptured and other small vessels
22 when the bone underneath and some object outside
23 pinches those -- that area between the bone and
24 the object causing the rupture of the small
25 vessels. This occurs in what we call blunt

1 trauma, which can either be from an impact from
2 something hitting that area or that part of the
3 body falling or being thrown against some object
4 that's firm.

5 Q. All right, sir. Doctor, in your opinion, to
6 a reasonable degree of medical certainty, were
7 all four of those what you characterized as
8 bruises caused by blunt force trauma?

9 A. In my opinion within reasonable medical
10 certainty, yes, they were caused by blunt force
11 trauma.

12 Q. Something that either hit the child's head
13 four times or the child's head hit something four
14 times?

15 A. That's correct.

16 Q. Or a combination of those?

17 A. Or a combination of -- yes, there were four
18 separate injuries.

19 Q. All right, sir. And, Doctor, would you
20 please tell the Court what a subdural hematoma
21 is?

22 A. When we do the autopsy in addition to
23 reflecting the scalp so we can see this area
24 where we frequently find injuries that are not
25 seen externally, we then go into the skull and

1 look at the brain. And on the surface of the
2 brain are two membranes that protect the brain.
3 One is a very thin membrane called the
4 pia-arachnoid. And hemorrhages can occur under
5 that membrane if there's sufficient force because
6 of small vessels being torn between that membrane
7 and the brain itself.

8 There's another membrane between the
9 skull and the brain, it's a very thick membrane
10 called the dura mater. It has vessels going from
11 it to the brain as well. When they're torn then
12 blood develops between the two membranes. We
13 call the blood between the two membranes subdural
14 blood, blood under the pia-arachnoid is called
15 subarachnoid hemorrhage.

16 I should mention the brain floats in
17 fluid. Inside the brain are some structures and
18 these structures produce cerebral spinal fluid
19 that flows out of the brain and into the space
20 around the brain, and so the brain is floating in
21 this fluid making it extremely difficult to
22 injure the brain.

23 If you've ever seen something that's in
24 fluid inside of a container and try to shake it
25 to get the object that's free floating to move,

1 it's very difficult to move it because the fluid
2 tends to act as a shock absorber. And that's
3 what the fluid around the brain does. So in
4 order for there to be subarachnoid hemorrhage or
5 subdural hemorrhage, the brain has to move so
6 forcefully as to tear the little vessels that go
7 from the dura to the brain and from the
8 subarachnoid membrane to the brain and cause the
9 hemorrhage.

10 So a subdural hemorrhage is between the
11 covering of the skull and the brain, and the
12 subarachnoid hemorrhage is between the
13 pia-arachnoid and the brain. Usually the
14 subdural hemorrhage is from lesser force, a
15 pia-arachnoid hemorrhage or subarachnoid
16 hemorrhage is from greater force because there's
17 such a small distance between that membrane and
18 the brain itself, it takes a lot of force to
19 cause a sheer that would actually tear those
20 vessels. In this case there was both
21 subarachnoid and subdural hemorrhage, and some
22 fossae of what we call contusions, microscopic
23 hairs where the brain itself was actually bruised
24 and torn.

25 Q. All right, sir. And could you indicate the

1 location again on State's Number 2 where you
2 observed the hemorrhages, the subdural, the
3 subarachnoid hemorrhaging?

4 A. The hemorrhaging is not visible on the
5 skull. This is an illustration of what we saw on
6 the skull after we reflected the skin. The
7 hemorrhage is inside and it's over the entire
8 surface of the brain.

9 Q. All right.

10 A. Once it starts developing it's more intense
11 in some areas, but it tends to flow over the
12 entire surface and so it was over the entire
13 brain.

14 Q. All right, sir. What you're saying is blood
15 on the brain surface?

16 A. That's correct. In two locations. The
17 blood itself generally is not necessarily a cause
18 of the death, the blood is an indication of how
19 much force occurred and it's the force that
20 generally depolarizes the brain so that the brain
21 just stops functioning. Just as a prize fighter
22 who's hit in a ring falls down, never wakes up,
23 generally causes depolarization of the electrical
24 impulses in the brain that just never repolarize
25 and so a person's heart and lungs stop

1 functioning.

2 Q. Doctor, do you have an opinion, to a
3 reasonable degree of medical certainty, on the
4 cause of death for *VICTIM* ?

5 A. I do.

6 Q. All right, sir. What is that opinion?

7 A. It was the blunt force injury to the head
8 causing the subarachnoid and subdural hemorrhage
9 due to that blunt force injury to the head.

10 Q. All right, sir. What actually causes the
11 death of someone with subdural, subarachnoid
12 hemorrhaging?

13 A. As I mentioned, it's the depolarization of
14 the brain. People can have subdural
15 hemorrhages -- or I am sorry, subarachnoid
16 hemorrhages from a stroke, sometimes irritation
17 of the nerves going to the respiratory centers
18 can actually cause death in those cases. And so
19 the subarachnoid blood itself can sometimes be a
20 cause of death, but in these cases it's felt that
21 the depolarization of the brain is the cause
22 because those children that live a little longer,
23 live long enough for there to be changes that we
24 can see microscopically, we see throughout the
25 brain areas where the electrical system has just

1 been disrupted and we see evidence of that
2 microscopically.

3 Q. And, Doctor, based on the location of the
4 four different blows to the head that you've
5 described, do you have an opinion on the number
6 of blows the child received, the minimum number?

7 A. It depends upon the mechanism. If each of
8 these was a separate forceful blow by a person,
9 then it would have to be at least four. If the
10 child's head was against something at the time
11 the blow occurred, then it could be as many as
12 only two, with one occurring from the object
13 under the child and one occurring from the impact
14 on the other side of the head.

15 Q. All right. Doctor, do you have an opinion,
16 to a reason degree of medical certainty, as to
17 whether or not the injuries you've described
18 could have been caused by the child falling to
19 the ground?

20 A. There have been countless studies where they
21 have evaluated children in hospitals that have
22 fallen out of fairly tall beds that are in the
23 hospital setting onto a very firm floor without a
24 rug or any type of padding. And out of these
25 thousands of cases there have been no serious

1 injuries.

2 There have been other situations at
3 playgrounds and the like where they've done the
4 same thing. And it's been concluded that for a
5 child to receive a serious injury it has to fall
6 from a height. Some have equated it to a second
7 floor window, although there have been children
8 that have fallen out of a second floor window and
9 have survived.

10 Fortunately the child's weight is light
11 enough that there's not as much energy impacted
12 when they hit something in falling, plus they
13 don't always fall like a tree; in other words,
14 they may sort of crumble. It's extremely rare.
15 I'm not aware of any cases where a child has
16 fallen and received a serious injury.

17 Q. All right, sir. Doctor, the injuries, the
18 subarachnoid and subdural bleeding that you
19 observed, do you have an opinion, this may be
20 redundant based on your previous answers, as to
21 whether or not those injuries were caused before
22 death?

23 A. Bleeding in the body can rarely occur after
24 death under certain situations where a body's
25 been lying in a position and the blood has

1 settled to that area and then that area where the
2 blood has settled has been struck with a real
3 strong force. But normally speaking for
4 contusion or bleeding as we see in this area to
5 occur out into the fluid part of the subdural,
6 subarachnoid space, the heart has to be beating.
7 We refer to these as premortem injuries.

8 Postmortem injuries we see frequently
9 people that are involved, say, in a traffic
10 accident and then struck by a second vehicle,
11 we'll see injuries that have absolutely no
12 bleeding, no contusion. The blood may drain out
13 of the vessels, but it doesn't get out into the
14 tissue where it cannot be washed away, because it
15 requires the force of the heart beating to get it
16 out to the tissue.

17 So in my opinion the subdural,
18 subarachnoid hemorrhage had to occur during life
19 because it was the type we see from injuries
20 occurring during life, not postmortem.

21 Q. Thank you, Doctor. During the autopsy
22 procedure did you open the child's GI tract,
23 stomach, and other organs in that area?

24 A. Yes, we did.

25 Q. All right, sir. And I would ask if you

1 observed anything unusual when you did that on

2 VICTIM ?

3 A. We did.

4 Q. As far as the content of the child's
5 stomach?

6 A. There was muddy water and blades of grass
7 that were folded.

8 Q. All right, sir. Did you remove that grass
9 from the child's stomach and examine it?

10 A. Yes, I did.

11 Q. And did you photograph the grass?

12 A. I did.

13 Q. All right. I'm going to hand you what's
14 been marked, I think this is State's -- marked
15 State's 3, but it's actually State's 1 now, and
16 ask if this appears to be a photograph of the
17 grass material that you removed from

18 VICTIM 's stomach?

19 A. Yes. This is a blowup of the photograph I
20 made. The label and the ruler are the one that
21 we use and this is identical to the photograph I
22 have.

23 Q. All right, sir. What, if anything, did you
24 observe that was unusual in nature in regard to
25 the appearance of that grass that you observed in

1 the child's stomach and then removed it?

2 A. The grass consists of approximately 20
3 strands of grass that had been folded. At the
4 time we see them in the stomach they have
5 unfolded because it's still green grass, so it
6 has some ability to straighten out after being
7 folded, but the grass was folded in multiple
8 areas. And it appeared as though the folds were
9 close to each other as though some person had
10 folded it into a small wad or bolus.

11 Q. Okay. And had grass been folded more than
12 one time, the individual pieces of grass?

13 A. Most of the individuals had. A few were
14 shorter and had only been folded maybe once or
15 twice.

16 Q. Okay. And do you have an opinion on whether
17 or not the folding you observed was consistent
18 with a natural process, digestion or swallowing?

19 A. No. It required somebody to fold it prior
20 to the child having it in their mouth and into
21 the stomach.

22 Q. All right, sir. Now, if the grass is
23 straightened out, Doctor, how long is it, what is
24 the average length?

25 A. I think the maximum length looked to be

1 about maybe 6 inches on a few of the strands,
2 some of them appear to be about 4 inches.
3 There's an inch ruler in the photograph. And as
4 you can see some are curled back on themselves
5 probably up to 6 or 7 inches, but others are 4 or
6 5 inches in length.

7 Q. All right, sir. What happens if a person
8 attempts to swallow something that thin and that
9 long, say a 7- or 7-inch long strand of grass,
10 what would physically happen to that person as
11 they attempted to swallow that?

12 A. We've all I think at some times or another
13 tried to swallow something that was a little
14 longer, maybe salad that was leafy, and, you
15 know, it gets caught back in your throat and it's
16 very difficult to swallow. It touches your gag
17 reflex and makes you want to throw up.

18 Something of this sort I don't think
19 there's any way anyone could easily, unless
20 they're a sword swallower or someone used to
21 swallowing unusual objects, and even then I don't
22 think a person that's used to that can swallow
23 long series of blades of grass unless they're in
24 a liquid form and are wadded up in some fashion.
25 Even then I think it would be very difficult

1 because of hitting the gag reflex and causing you
2 to cough it back up.

3 Q. All right, sir.

4 MR. BAILEY: Indulge me one second,
5 please, Your Honor.

6 THE COURT: Yes, sir.

7 MR. BAILEY: Thank you, Doctor. Please
8 answer any questions Mr. Bolus may have for
9 you.

10 THE COURT: Cross-examination,
11 Mr. Bolus.

12 CROSS-EXAMINATION

13 BY MR. BOLUS:

14 Q. Doctor, a child with a soft palate, would
15 that change your opinion to any extent in terms
16 of the gag reflex?

17 A. You're talking about the fact the child had
18 a cleft palate?

19 Q. Yeah. I believe he didn't have a
20 separation, no separation between his nasal
21 cavity and his throat?

22 A. Correct. In the posterior part of the mouth
23 there was an opening between the two. But your
24 gag reflex is in your upper throat, it's a little
25 ring of cells around the upper throat that if the

1 doctor asked you to open up so you can put the
2 tongue depressor in there and see the structures
3 there, it touches that area and we often tend to
4 want to gag, but it's not up in the palate area.

5 Q. Okay. But you mentioned something about
6 water, found water in the baby's stomach, too?

7 A. Yes, sir. Muddy water.

8 Q. Obviously common sense would tell you that
9 it would be easier to swallow grass if you had
10 some liquid, a material like water, than it would
11 be just to swallow it dry?

12 A. That's correct. The puzzling thing here is
13 that these seemed to sort of be together. And I
14 would have trouble understanding how a child
15 could swallow all of this at one time even with
16 water. But I agree I think the only way the
17 child could swallow it on their own is with a
18 bolus of water and maybe one or two at a time,
19 but these seem to be together.

20 Q. Now, I have on an evidence report sheet that
21 two blades of grass from VICTIM's stomach
22 was removed at autopsy, it's something I received
23 in discovery, it says two blades of grass.

24 A. Should read a few, I think, instead of two.
25 This is the photograph of the grass.

1 Q. I'll just show you.

2 MR. BOLUS: May I approach the witness,
3 Your Honor?

4 THE COURT: You may.

5 Q. I just want to show you, Doctor, what I'm
6 talking about.

7 A. This is not our document, so I don't know.
8 It may be they only gave a few to someone else.

9 Q. Thank you. This is not your document, but
10 it's a document from the Dorchester County
11 Sheriff's Office evidence report sheet that said
12 two blades of grass from VICTIM 's stomach
13 removed at autopsy. Was it two blades, or...?

14 A. No. It was this number of blades. The
15 document you showed looked like it was a transfer
16 to Rudy Mancke for identification. And I suspect
17 they only used a few, as opposed to using all of
18 these.

19 Q. Okay. And I noticed in your report, sir,
20 that you said 5 cc's of green grass. That's a
21 very light amount, isn't it? What is cc's, 5
22 cc's?

23 A. I think the 5 cc's is the amount of fluid in
24 the stomach along with the grass.

25 Q. Yeah. Stomach contains --

1 A. It's 5 cc's of fluid in the stomach that's
2 muddy and there's green grass in it. It's poorly
3 worded, I agree. It should have said 5 cc's of
4 muddy-like fluid with green grass, but it says 5
5 cc's of green grass and muddy fluid, or
6 muddy-like material.

7 Q. How much would that be in this cup, 5 cc's?

8 A. Five cc's is about a spoonful.

9 Q. One spoonful?

10 A. That's how much was left in the stomach, was
11 one spoonful of liquid.

12 Q. Five cc's, is that weight or volume?

13 A. Volume.

14 Q. But that's the total volume of the grass and
15 the water?

16 A. No. That's the volume of the water.

17 Q. Okay. Now, I talked to you, sir, on
18 November the 29th, 2001 and you indicated that
19 you could not give an opinion as to whether the
20 child was deliberately or accidentally injured.

21 A. That's correct.

22 Q. And you also told me that there was -- you
23 could not name any specific object that could
24 have been used to strike the child; isn't that
25 correct?

1 A. That's correct. In other words, if we have
2 an external pattern of injury so that we see a
3 pattern of an object then we can. Without a
4 pattern, all I can say is that the injury to the
5 back of the head was against probably a flat
6 surface, or roughly flat surface because it's a
7 round abrasion, but short of that I can't say.

8 Q. If a right-handed fistfighter beat me to
9 death you'd probably see a bunch of injuries on
10 my left side of my face, you would have a pattern
11 of injuries?

12 A. If you're referring to two people fighting
13 and one staying upright long enough to be hit
14 multiple times you would expect it more likely on
15 that side, but boxers fight with both hands. But
16 pattern does not -- location pattern is if it has
17 a particular appearance. We've seen people hit
18 with crowbars, we've seen people hit with
19 wrenches and you'll see an outline of the wrench
20 on the skin, that's what I mean by pattern.

21 Q. Right. You also told me that the child
22 could have been injured from being either
23 dropped; hit with something like a hand or
24 another object, or if a person had been running
25 and falling on the child could have injured the

1 child with a boney part of like a knee or her own
2 head or an elbow; isn't that correct?

3 A. Not from just being dropped, because that
4 would be the child's weight impacting, and as I
5 mentioned coming out of a second story window
6 probably to get this sort of injury from just
7 being dropped. Somebody running and then falling
8 on the child conceivably could cause injuries of
9 this sort if the child's head hit a firm surface
10 and some boney part of the body landed on top of
11 the other side of the child's head.

12 Q. If a woman weighing 100, 105 pounds is
13 running with a child and fell with a child with
14 the baby under her breastbone or whatever,
15 underneath her weight, could that account
16 possibly for the injury to the front of the head
17 with the corresponding injury to the back of your
18 head like you indicated in your testimony?

19 A. I would think it would not be the breastbone
20 because it's compressible, although it's
21 possible. I think it would be more like
22 something like an elbow or her head striking the
23 child's head.

24 Recognize that one thing that's felt to
25 cause the fatal injury in head injuries,

1 particularly of children, is the fact that the
2 injury is not one that we refer to as
3 translational; in other words, to and fro, but is
4 rotational. Prize fighters generally get knocked
5 out because they get hit in such a fashion that
6 it causes their head to go into a rotation and
7 backwards as opposed to just being hit straight
8 in the face. In children we find the same thing.

9 So to fall, hit a surface, and then
10 have somebody hit your head and it stay fixed is
11 less likely, although I can't say that it wasn't
12 a basis for this, than to simply be struck so as
13 the child's head can go into a rotational type of
14 movement after the impact. That more likely
15 causes fatal injuries than just a straight impact
16 without the head moving in a rotational fashion.

17 But landing on the child, particularly
18 if it is a situation where the child and the
19 person carried the child go down an embankment a
20 little ways so they're not just falling to the
21 flat surface, but they're falling down a little
22 ways, or being struck, not just the child's
23 falling from its weight or falling out of
24 somebody's arms. You mentioned one other, and I
25 can't recall what the other was.

1 Q. Hit with something like a hand or object,
2 person falling on the child.

3 A. Correct, with the hand or object.

4 Q. Could the injury have occurred by carrying a
5 child and running into things like trees, limbs,
6 things like that, with the abrasions and injuries
7 you saw could they be manifested because of that
8 type of conduct?

9 A. Perhaps the one on the back of the head
10 because it was scraped. The other three did not
11 have scraping externally, so I would not expect
12 it to hit something like a rough tree that has
13 bark. It would be more consistent with hitting
14 the ground or being struck by a fist or some
15 other object.

16 Q. The scrape in the back is actually -- when
17 you say externally, that's like observable to the
18 human eye, you could -- before the baby died or
19 right after the baby died and before
20 decomposition takes place a person like myself
21 would obviously see that there was a scrape on
22 the back of the head?

23 A. That's correct. And it's a round scrape as
24 you see drawn here, so it's consistent with
25 hitting a fairly flat surface.

1 Q. Now, in terms of a layperson not looking for
2 any kind of those type injuries, would they have
3 seen the injuries to the front and the two sides,
4 would the layperson have even noticed it?

5 A. Not externally.

6 Q. Okay. Now, finally, Doctor, you told me
7 that you did not believe that there was any
8 deliberate attempt to drown the child, there was
9 no evidence to show that there was a deliberate
10 attempt on anyone's part to drown this child?

11 A. It's very difficult to prove deliberate
12 drowning, particularly in a young six month old
13 who has very little ability to struggle, but I
14 saw no evidence that pointed to that. But what
15 I'm saying is there's very little evidence that
16 might be seen under certain circumstances.

17 Q. There was no lungs or anything -- I mean, no
18 material or anything in the lungs or aspirated
19 into the lungs or anything like that?

20 A. That's correct. In forceful drowning
21 sometimes if the child or an adult is head down
22 into the water so their face is into something
23 they can inhale, such as the slime or the dirt on
24 the bottom of a particular body of water, we see
25 that occasionally in forced drownings, but it

1 wouldn't be that hard to hold a little child
2 under and have it just inhale the water and not
3 inhale something from the environment.

4 There was muddy water, but it wasn't
5 excessive. Generally when we see somebody that's
6 been drowned by force, there will be that same
7 mud down in the windpipe completely stopping up
8 the windpipe and there was nothing like that.

9 Q. This is just a straight out swallowing of
10 some muddy material and a grassy material?

11 A. Correct. We're seeing the muddy material
12 and the grass in the stomach. I'm not sure how
13 it got there, because I have trouble
14 understanding how it could get there, but that's
15 where we found it, only in the stomach and not in
16 the lungs.

17 Q. Now, these injuries would not have been what
18 we would call lead to instantaneous death, would
19 it?

20 A. You're talking about the head injuries?

21 Q. Yes, sir.

22 A. They can. It's something that's quite
23 variable. There are people who shoot themselves
24 in the head, are immediately unconscious, but
25 survive months or years. There are people who

1 are in a traffic situation downtown, 20 miles an
2 hour where you become a 5,000-pound object for a
3 few milliseconds when you impact something that's
4 immoveable and your head hits the windshield
5 because you can't stay out of the windshield,
6 healthy 21-year-old person is alive before the
7 accident, dead immediately after the accident
8 from a head impact and nothing is evident in the
9 brain, just a bruise on the head.

10 So head injuries are extremely
11 variable, we can't tell from just looking at what
12 we found at autopsy as to how quickly they will
13 have killed someone.

14 Q. So if a person would -- an average, normal
15 person, doctors aren't, but just the rest of us,
16 if these injuries had occurred do you have an
17 opinion on whether the person would even know
18 immediately the child was that injured or was
19 dead, or could it have been a possibility the
20 person would be unaware that the child is that
21 injured or is, in fact, dead or alive?

22 A. Depends on the observing ability of the
23 person.

24 Q. If a person --

25 A. The child's not going to be breathing when

1 it dies, and it's not going to be making sounds
2 or moving, it's going to be limp like a dishrag,
3 so it depends on how observant the person is and
4 whether they're picking up the child or just
5 seeing the child in an apparent sleeping
6 position. It's been many times we've had people
7 say they thought someone was alive at a certain
8 time where they were sleeping, the child or
9 adult, and yet a short time later, a few minutes
10 later, they observed the child's dead and the
11 child has rigor mortis, which takes hours to set
12 in.

13 So it is true that if a child's simply
14 lying somewhere a person may not realize they're
15 dead, but if they try to pick it up they're going
16 to see the child's lifeless and not breathing.

17 Q. But that would be a product, their
18 observation would be directly correlated to their
19 own state of sobriety or their own state of
20 recognizing what's going on in reality; isn't
21 that true?

22 A. Certainly if they were intoxicated or in
23 some way impaired by drugs they certainly may not
24 have any idea of whether the child's dead or
25 alive.

1 Q. Thank you, sir.

2 REDIRECT EXAMINATION

3 BY MR. BAILEY:

4 Q. Dr. Sexton, just to clarify in my mind a
5 couple things Mr. Bolus asked you about as far as
6 the content of this baby's stomach, the amount of
7 muddy water was about a spoonful?

8 A. That's correct.

9 Q. And the grass to your knowledge in doing the
10 autopsy and physically removing the grass is the
11 quantity depicted in this photograph; is that
12 correct?

13 A. Yes. That's a photograph of the entire
14 quantity of grass we removed.

15 Q. Approximately how many different strands of
16 grass or blades of grass?

17 A. It's a little hard to count there because
18 some of them are over-superimposed, but 15 to 20
19 in that bunch of grass.

20 Q. Okay. Did you observe anything else in his
21 stomach, any other thing that may have been food
22 or something of that nature?

23 A. No, there's nothing else in the stomach at
24 that time.

25 Q. Okay. Now, as far as the scenario Mr. Bolus

1 asked you about, about somebody running with the
2 child and falling, okay, if that had occurred
3 someone's picking -- has the baby in their arms,
4 they run, they fall, what is the minimum number
5 of times they would have had to fall and cause
6 the injury for that, what you've described to
7 have occurred?

8 A. At least two.

9 Q. Okay.

10 A. Implying that the head hit whatever they
11 fell against on one side and some boney part of
12 the body hit on the other side. And same here,
13 the hit head some surface and the boney part of
14 the body hit here.

15 So if it's due to falling, as I
16 mentioned, that's less likely than a blow simply
17 because that typically is not a scenario that
18 ends up being fatal. But it would have to be at
19 least two times.

20 Q. All right, sir. You said the falling
21 scenario would be less likely than a blow to the
22 head?

23 A. That's correct, because the blow to the head
24 gives the type of rotational impact or force that
25 more commonly causes the brain to become

1 depolarized.

2 Q. All right, sir. And I believe you testified
3 that if regardless of whether it's occasioned
4 during a fall or a blow to the child, that if
5 it's caused by the human body it would have to be
6 a bony part of the body, a fist, elbow, or knee,
7 or something of that nature?

8 A. Correct, or the head. As I mentioned, it
9 could conceivably be the chest plate or the
10 sternum, but that generally tends to give a
11 little bit whereas other parts do not give as
12 much.

13 Q. Very well.

14 MR. BAILEY: Bear with me one second,
15 please, Your Honor.

16 THE COURT: All right.

17 (Pause in proceedings.)

18 Q. Just one other thing, Doctor. As far as the
19 potential scenario of falling and injuring the
20 child, you testified it would have taken two
21 falls?

22 A. Yes, that's correct.

23 Q. Okay. Holding the baby and I fall, the
24 baby's head hits the ground, some part of my body
25 hits the --

1 A. It would probably be the reverse.

2 Q. Other way around?

3 A. Since there's scraping of the back, that
4 would come from a surface like the ground as
5 opposed to some part of the body.

6 Q. Initially that would -- talking about the
7 potential of two falls would be the front and
8 back on one occasion, then turning the child in a
9 different direction and doing the same thing
10 again?

11 A. Yes, that's correct.

12 Q. All right, sir. Thank you, Doctor. That's
13 all I have.

14 MR. BOLUS: No further questions.

15 THE COURT: All right. I have a
16 question.

17 EXAMINATION

18 BY THE COURT:

19 Q. Dr. Sexton, did this child suffocate?

20 A. I sort of hate you to tell you in an open
21 courtroom, but you can suffocate a child without
22 leaving a single sign. There's nothing we can
23 find in most cases in a six-month-old child to
24 indicate that the only mechanism of death was
25 suffocation.

1 In an adult there's generally enough
2 strength to put up enough struggle that they live
3 long enough that we get petechiae in the eyes,
4 injuries in the neck, or some other part of the
5 body. So we can diagnose in adults, but in the
6 child we cannot, that's why it's important to
7 autopsy Sudden Infant Death Syndrome cases
8 because we may not find suffocation, but we may
9 find other evidence of injury that brings up the
10 question as to whether or not there was evidence
11 of suffocation.

12 Q. In your opinion, within a reasonable degree
13 of medical certainty, scientific certainty, is it
14 your opinion that this child did or did not die
15 from suffocation?

16 A. It's my opinion the child did not, simply
17 because the head injury in my opinion was enough
18 to be fatal. And so having the head injury that
19 was fatal tends to exclude the probability that
20 the child was also suffocated. But as I
21 mentioned, head injuries are difficult to
22 evaluate. About the only way in this case you
23 know if the child was suffocated, is for someone
24 other than the defendant to say they saw that
25 occur and the child died afterwards.

1 THE COURT: Does that prompt questions
2 from either of you?

3 MR. BOLUS: Yes.

4 MR. BAILEY: Yes, ma'am.

5 THE COURT: All right. Begin with you,
6 Mr. Bailey.

7 FURTHER REDIRECT EXAMINATION

8 BY MR. BAILEY:

9 Q. Doctor, if we would assume for purposes of
10 argument that the child suffocated, could the
11 injuries that you have described and shown on
12 this wig head have occurred subsequent to the
13 suffocation?

14 A. No, they would not. As I mentioned earlier,
15 the injuries inside the brain had to have the
16 heart pumping to get those injuries. The
17 injuries on the outside of the skull had to have
18 the heart beating in order for the blood to get
19 into that area outside of the vessels to produce
20 what we call a bruise or a contusion.

21 So if the child were suffocated and
22 died and then subsequently injured, there would
23 not be any bruising or subarachnoid or subdural
24 hemorrhage.

25 Q. Thank you, sir. That's all I have.

RECROSS-EXAMINATION

BY MR. BOLUS:

Q. Doctor, as a follow-up to a question I asked you, if a person has a methamphetamine-induced psychosis or was otherwise out of touch with reality and might not be as observant as you or I would be on the scene, not as observant of the baby's injuries, could the person draw a possible conclusion that maybe the baby had suffocated?

A. Certainly that's a possibility.

Q. If death did not occur instantaneously or maybe it was prolonged a little while, wouldn't it be possible that a person who's not in full control of their faculties, even a normal person, might think in fact the baby had suffocated?

A. Possibly. How are you proposing the mechanism of suffocation? Are you saying your client may have suffocated the child, or some other person?

Q. No, sir. I'm saying if the baby had been injured and did not die instantaneously but was laying relatively lifeless, it's distinctly possible a person could assume maybe the baby was dead from suffocation?

A. We rarely see children die from accidental

1 suffocation. They generally have to be wedged
2 between a mattress and a wall or they have to be
3 in some way laid upon by an intoxicated,
4 overweight parent in a bed that allows it to sag
5 and press on them.

6 THE COURT: I'm sorry. Your client --
7 this is the second time that I'm not able to
8 listen to the witness because she is
9 speaking too loudly. Would you please
10 instruct your client not to speak so loudly
11 that she is interrupting my ability to pay
12 attention? Thank you, Mr. Bolus. You may
13 proceed.

14 MS. HALL: Excuse me.

15 A. I'm trying to understand how you're
16 hypothesizing the child may have suffocated.

17 Q. No, sir. I am not.

18 A. Okay.

19 Q. Because if the baby did, in fact, die of
20 blunt head trauma, people that are untrained like
21 yourself, whether they're normal, whether they're
22 on drugs, could possibly assume that maybe their
23 baby had died by suffocation rather than this
24 head trauma?

25 A. Certainly somebody that's, you know, on

1 drugs or intoxicated could assume that if they
2 thought the baby was dead.

3 Q. Because, a matter of fact, the warrant that
4 arrested my client charged her with
5 suffocation -- well, I'll get that in tomorrow.

6 MR. BAILEY: Withdrawn.

7 MR. BOLUS: I'll withdraw it until
8 tomorrow. Thank you.

9 THE COURT: All right. Is this witness
10 free to leave, counsel?

11 MR. BAILEY: As far as the State's
12 concerned, yes, ma'am.

13 THE COURT: Thank you. You are free to
14 leave.

15 MR. BAILEY: Thank you, Dr. Sexton.

16 THE WITNESS: You're welcome.

17 (Whereupon, the witness steps down from the
18 witness stand.)

19 THE COURT: All right. I believe that
20 concludes the witnesses for today; is that
21 correct?

22 MR. BAILEY: Yes.

23 MR. BOLUS: Yes, ma'am.

24 THE COURT: Very well. And as I
25 understand it we are to reconvene in the

1 morning at 9:30 for the taking of the
2 remaining witnesses in this matter.
3 Approximately how many witnesses will you
4 have, Mr. Bailey?

5 MR. BAILEY: Potentially five from the
6 State, Your Honor.

7 THE COURT: All right. And, Mr. Bolus,
8 potentially how many witnesses will you
9 have?

10 MR. BOLUS: I think we have eight
11 including an expert witness, Dr. Watts.

12 THE COURT: Very well. All right. We
13 will be recessed in this matter until in the
14 morning. We'll start about 9:30.

15 MR. BOLUS: 9:30.

16 MR. BAILEY: Thank you, Your Honor.

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STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER) : C E R T I F I C A T E

I, Robin L. Keil, Registered Merit Reporter and First Judicial Circuit Court Reporter, certify that the preceding pages are a true and correct transcript of the proceedings had at the aforesaid time and place.

I certify that the same was reduced to typewritten form from my original stenograph notes by computer-aided transcription.

I further certify that I am not of counsel or kin to any of the parties to this cause of action, nor am I interested in any manner in its outcome.

IN WITNESS WHEREOF I have hereunto set my hand this the 3rd day of October 2002.


Robin L. Keil, RMR
Resident Court Reporter
First Judicial Circuit

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
COUNTY OF DORCHESTER) CASE NO. 2001-GS-18-1126

ORIGINAL

STATE OF SOUTH CAROLINA,) VOLUME IV (Pages 223 - 478)
Plaintiff,) TRANSCRIPT OF RECORD
-versus-) GUILTY PLEA/SENTENCING
NORMA PATRICK HALL,) April 18, 2002
Defendant.) St. George, South Carolina

B E F O R E:

The Honorable Diane S. Goodstein

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I N D E X

<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
ELIZABETH L. HARVEY-BAKER				
Ms. Murphy.....	227		253	
Mr. Bolus.....	233			255
PAMELA E. ECKERT				
Mr. Bailey.....	265			
Mr. Bolus.....	274			
JEFFREY A. WORSHAM				
Mr. Bailey.....	280			
STEVEN M. CROSBY				
Mr. Bolus.....	287		294	
Mr. Bailey.....	291			
ROBERT D. SHACKELFORD				
Mr. Bolus.....	295			
Mr. Bailey.....	302			
CATHERINE JONES				
Mr. Bolus.....	309			
Mr. Bailey.....	314			
DONNA M. SCHWARTZ-WATTS				
Mr. Bolus.....	317			
Mr. Bailey.....	341			
THOMAS M. MARSHALL				
Mr. Bailey.....	361			
Mr. Bolus.....	389			
LINDA G. SHINER				
Mr. Bolus.....	396			
LINDSEY P. STEWART				
Mr. Bolus.....	401			
DALE PADGET-MURDAUGH				
Mr. Bolus.....	406			
TAMMY CORBIN				
Mr. Bolus.....	419			
Mr. Bailey.....	433			
ERNEST MOULTRIE				
Mr. Bolus.....	440			
Mr. Bailey.....	442			
BENJAMIN F. ANKERSEN				
Mr. Bailey.....	445			
JUDITH H. ANKERSEN				
Mr. Bailey.....	449			
ALICE P. MAYBIN				
Statement.....	457			

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
D-01	Hospital Discharge Summary.....		235
D-02	Medical Record.....		235
D-03	Photographs.....		274
D-04	Report of Findings.....		317
D-05	Search Warrant and Return.....		330
D-06	Lab Report.....		336
S-04	Photograph.....		280
S-05	Photograph.....		280
S-06	OMITTED		
S-07	Statement.....		355
S-08	Map.....		368
S-09	Four-Page Statement.....		380
S-10	Transcript.....		382
S-11	Audiocassette Tape.....		383

1 (Thursday, April 18, 2002.)

2 THE COURT: Of course we're back on the
3 record in the sentencing phase, if you will,
4 of this matter. And, Mr. Bailey, if you
5 would call your next witness.

6 MR. BAILEY: Your Honor, Ms. Murphy has
7 the next witness.

8 THE COURT: All right. Yes, ma'am,
9 Ms. Murphy, if you would call the next
10 witness.

11 MS. MURPHY: Your Honor, the State
12 would call Dr. Elizabeth Baker Gibbs.

13 THE COURT: All right. I'm looking.
14 She's in the back?

15 MS. MURPHY: Yes, ma'am.

16 THE COURT: Okay.

17 (Elizabeth L. Harvey-Baker, called as a
18 witness, having first been duly sworn, is
19 examined and testifies as follows:)

20 THE CLERK: Come around and have a
21 seat, please.

22 THE WITNESS: Okay. Thank you.

23 THE COURT: Yes, ma'am. If you would,
24 please, be seated. And when you are seated
25 we're going to help you with the microphone.

1 And then when you're situated if you would
2 please state your full name for the record
3 and spell your last name.

4 THE WITNESS: Dr. Elizabeth Lynn Harvey
5 Baker, B-a-k-e-r.

6 DIRECT EXAMINATION

7 BY MS. MURPHY:

8 Q. Dr. Baker, would you tell us a little bit
9 about your educational background?

10 A. I received a BS degree in biology from the
11 University of South Carolina in 1982 and then a
12 Doctor of Medicine from the University of South
13 Carolina School of Medicine and I completed that
14 in 1986. I went to Greenville Memorial Hospital
15 and did a general internship and then returned to
16 Columbia to Richland Memorial where I finished my
17 pediatric residency, and that was in December of
18 1989.

19 Q. And can you tell us a little bit about your
20 employment history, please?

21 A. After I finished my residency I went to work
22 at the Orangeburg Family Health Center where I
23 was employed from 1990 'til 1996, at which time
24 we opened Children's Medical Assessment Center
25 and I've been there ever since.

1 Q. And what is your specialty, Doctor?

2 A. I am a pediatrician. I'm also board
3 certified in forensic medicine.

4 Q. And can you tell us how many children you
5 say that you've examined in your career?

6 A. I don't keep an exact count, but an estimate
7 is roughly about 5 to 6,000.

8 Q. And are you aware of the literature which
9 comes out in the area of forensic pediatrics?

10 A. Yes.

11 MS. MURPHY: Your Honor, at this point
12 I would like to move to qualify Dr. Baker as
13 an expert in the field of forensic
14 pediatrics.

15 THE COURT: Any voir dire?

16 MR. BOLUS: No, ma'am. Happy to
17 accept.

18 THE COURT: Very well. She's so
19 qualified as an expert in the field of
20 forensic pediatrics.

21 Q. Dr. Baker, what documentation have you
22 reviewed in preparation for your testimony here
23 today?

24 A. I've reviewed medical records from the
25 child's pediatrician and from an admission to the

1 Medical University of South Carolina as well as
2 the autopsy report.

3 Q. And can you explain, Doctor, what exactly
4 are developmental markers?

5 A. Children as they develop from a very early
6 age, the way, especially in the first two years
7 of life to follow their development to see if
8 they're developing normally is to follow their
9 markers, is to follow, you know, how well they
10 are actually able to perform certain tasks or to
11 achieve things like sitting up and rolling over,
12 those kinds of things. And so there are certain
13 markers that have been identified as ways to
14 measure that.

15 Q. And can you explain some of those markers or
16 milestones as the child develops through the
17 first years of life?

18 A. They're actually divided into four basic
19 categories. The first category is sort of your
20 gross motor and then your second would be your
21 fine motor. Gross motor is things your whole
22 body would be involved in, you know, running,
23 sitting up, pulling up, walking, crawling, those
24 kind of things.

25 Fine motor really has to do a lot with

1 your fingers and how well your fingers can
2 perform certain tasks, like being able to reach
3 out and grab something or being able to, you
4 know, have something placed in your hand and
5 grabbing ahold of it, being able to use your
6 thumb and forefinger together versus kind of a
7 raking motion, all the way up to being able to
8 write. So that would be fine motor.

9 Then you have language, which are, you
10 know, making sounds and, you know, all the way
11 through learning speech, you know, first words
12 and then putting words together and then putting
13 actually sentences together.

14 And then you have your personal,
15 social, or, you know, how a child actually
16 interacts with other people, primarily their
17 caregiver, do they smile, at what age do they
18 start smiling at, you know, somebody's face,
19 really their interaction. So those are the four
20 basic categories.

21 Q. And, Doctor, are those categories affected
22 by certain medical or developmental problems such
23 as failure to thrive?

24 A. Well, yes, a lot of things can affect them.
25 One of the things that can affect it is failure

1 to thrive, meaning that typically with failure to
2 thrive the child is not getting the
3 nutritional -- the nutritional requirements that
4 they need and certainly that then can affect
5 nerve and muscle development.

6 Q. And can you explain to us what exactly is
7 failure to thrive?

8 A. Failure to thrive means not meeting your
9 typical growth predictions. There are curves
10 that we use that when a child is born there's
11 norms about what the weight and the height and
12 the head circumference would be. And then as the
13 child progresses in age then it's tracked on the
14 curve. And if it falls below the fifth
15 percentile in either of those three, and
16 particularly if there's a pattern of it falling
17 below the fifth percentile then that's considered
18 failure to thrive.

19 Q. In your review of *VICTIM*'s medical
20 records, had he been previously diagnosed as
21 failure to thrive?

22 A. Yes.

23 Q. What causes failure to thrive typically?

24 A. There's a whole lot of things that can cause
25 failure to thrive, anything from systemic

1 illnesses, neurological problems, especially
2 causing them not to be able to feed well,
3 infections, certainly maternal neglect is one of
4 the things that can cause it, decreasing in
5 reflexes. I mean there's just a whole array.
6 The differential diagnosis for failure to thrive
7 is very lengthy.

8 Q. And the failure to thrive noted in —
9 VICTIM's medical records, is that something that
10 would have been noticeable to the layperson as
11 was described in the medical records?

12 A. As described in the medical records, yes.

13 Q. Doctor, to a reasonable degree of medical
14 certainty, would a child such as VICTIM
15 having been previously diagnosed as failure to
16 thrive have the manual dexterity to fold 15 to 20
17 blades of grass in half and then fold them again
18 and ingest them with their own fingers?

19 A. There seems to be kind of two parts to that.
20 One is related to the failure to thrive, which,
21 you know, without knowing, being involved or
22 knowing what the neurological problems or the
23 muscular problems that were specifically
24 associated with the failure to thrive, I can't
25 really with medical certainty address that issue.

1 Could a child that is six months old or right
2 around six months old do that, even in the best
3 of circumstances, no.

4 Q. No further questions, Doctor. Please answer
5 any questions Mr. Bolus may have.

6 THE COURT: Yes, sir.

7 Cross-examination.

8 CROSS-EXAMINATION

9 MR. BOLUS: Your Honor, I have some
10 documents I would like to put in as
11 exhibits. Because I'm going to go over them
12 with the doctor, she reviewed these
13 exhibits.

14 THE COURT: All right. Do you want to
15 show them to Ms. Murphy?

16 MR. BOLUS: They were produced by me to
17 him and him to me. Judge, I would like to
18 have the court reporter mark two documents.
19 (Marked for identification was Defendant's
20 Exhibit 1, hospital discharge summary.)
21 (Marked for identification was Defendant's
22 Exhibit 2, medical record.)

23 MR. BOLUS: Can I approach the witness,
24 Judge?

25 THE COURT: Certainly. Have you had

1 them marked for identification purposes, or
2 is there a stipulation that they will go
3 into evidence at this point?

4 MR. BOLUS: We had a stipulation that
5 the records could come in.

6 MR. BAILEY: That's correct, Your
7 Honor, I have no objection to any of the
8 records.

9 THE COURT: Very well. They would be
10 Defendant's Exhibits 1 --

11 MR. BOLUS: They're marked 1 and 2,
12 although I did put an exhibit on Wednesday
13 the pictures of Norma Hall.

14 THE COURT REPORTER: They were Court's
15 Exhibits.

16 MR. BOLUS: Okay. What can I do with
17 those? I need to show them to somebody
18 along the line, what do you want to call
19 them?

20 THE COURT: At the point in time when
21 you offer them we will mark them. They were
22 Court's Exhibits for plea purposes and we
23 will remark them as Defendant's Exhibits and
24 just have them be marked so that they can be
25 dually identified.

1 MR. BOLUS: Thank you.

2 THE COURT: All right.

3 MR. BOLUS: I would put these in as 1
4 and 2.

5 THE COURT: All right.

6 (Entered into evidence was Defendant's
7 Exhibit 1, hospital discharge summary.)

8 (Entered into evidence was Defendant's
9 Exhibit 2, medical record.)

10 Q. Doctor, you reviewed the records from Edisto
11 Pediatrics, that's Number 2 there, Defendant's
12 Number 2.

13 A. Okay.

14 Q. And that's -- the first page is dated
15 12-22-00.

16 A. Yes.

17 Q. And you see the second page I got, it's
18 paper clipped, looks like it's dated 12-11-00. I
19 think it's right behind the page. I tried to put
20 the three pages I'm going to ask you about in a
21 paper clip.

22 A. Okay. I've got 11-14 -- you want me to look
23 at 12-22. What's the next one you want me to
24 look at?

25 Q. Should be paper clipped right under there.

1 A. The note here on 12-11?

2 Q. Yes, you got it.

3 A. Okay.

4 Q. And then right there.

5 A. Okay. That's 12-6?

6 Q. Yes, ma'am.

7 A. Okay.

8 Q. Now, let's start with the 12-6, the third
9 page under the paper clip. These are records
10 that reflect that my client brought *VICTIM* to
11 Edisto Pediatrics based on his failure to thrive.

12 A. Yes, that's correct.

13 Q. So obviously at some point Norma recognized
14 that the baby was failing to thrive?

15 A. I would assume. It says she brought him in
16 for a weight recheck.

17 Q. Okay. And the reason for the baby failing
18 to thrive, primary reason was this child had a
19 soft palate; isn't that correct?

20 A. And without being the pediatrician that did
21 the diagnosis I am real uncomfortable with the
22 medical certainty of being able to say what
23 caused the child's failure to thrive. That
24 certainly would be one of the things that could
25 cause it.

1 Q. Because right above there it says the -- how
2 do you pronounce that? -- oropharynx reveals a
3 soft palate cleft.

4 A. I know that he has a soft palate cleft.
5 Where is the --

6 Q. It says physical exam.

7 A. Oh, under 12-6?

8 Q. Yeah.

9 A. Right. "Oropharynx reveals the soft palate
10 cleft."

11 Q. Well, it's a fact that if the child has a
12 soft palate, cleft palate, it's a little more
13 difficult for the child to thrive compared to
14 children that are born without it?

15 A. Children with a cleft palate do have more
16 problems typically with being able to get
17 nutrition in.

18 Q. Okay. And she had two other children born
19 without this condition and now she has a little
20 baby with the condition, it wouldn't be highly
21 unusual in your opinion for a mother maybe not to
22 pick up on that as quickly as if someone had
23 prior experience with it, that wouldn't be
24 unusual, would it?

25 A. Not to pick up on what in particular?

1 Q. The fact that the baby is not thriving as
2 well as her prior two children did.

3 A. If you're asking me would her experience
4 with her prior two children that did not have a
5 cleft palate, if that would cause her to be less
6 likely to recognize a child that was having
7 trouble thriving, then I would have to say that
8 that wouldn't be correct. Usually if there are
9 other kids in the family that have done well,
10 then they have more experience than like a new
11 mother that would -- wouldn't have any experience
12 with what children of normal, nutritional
13 development would be like.

14 Q. But the fact is, the notes say that the
15 child was admitted to MUSC hospital. And the
16 number two says the mother insisted on driving,
17 she actually drove her own child to the hospital.

18 A. Correct.

19 Q. That doesn't sound like a mother who's
20 unconcerned about her child, does it to you?

21 A. There, again, I'm not the -- I was not the
22 admitting, you know, physician. I think there
23 are several ways you can take that. I can't -- I
24 can't make any judgment or any opinion with any
25 degree of medical certainty as to, you know, what

1 he had meant by that statement.

2 Q. How about just as a normal person, a mamma
3 riding with her child to a hospital in the car
4 would show some concern, wouldn't you think, just
5 from a normal parental standpoint?

6 A. It's hard for me to know because of the way
7 that he wrote that if what he was saying was he
8 wanted like to call an ambulance and she insisted
9 on driving and that's why she promised she would
10 be there in two hours and he -- you know, and he
11 was concerned about that, versus he didn't think
12 the child really needed to be admitted to the
13 hospital and she insisted on driving him to the
14 hospital. I can't -- I mean, other than the fact
15 that he says that the skin folds were just
16 hanging, I can't make any judgment around what
17 his thought process was whenever he wrote that.

18 Q. Okay. Well, let's put it a little more
19 simply. If the mother did not take the child to
20 the hospital either by ambulance or by herself,
21 would you consider that neglect and abuse of a
22 child, given the records showing what the child
23 was going through if the mother said, "No, I'm
24 just going to take this baby home," would you say
25 something different about that?

1 A. Given that he wanted the child admitted,
2 then, yes. Yeah.

3 Q. Okay.

4 A. If the mother was the one that insisted on
5 the child going to the hospital, then I would say
6 no. But I just can't make any, you know, any
7 opinion about that.

8 Q. She did what Dr. Hill wanted her to do then?

9 A. Correct. And she did have the child
10 apparently there at a reasonable time.

11 Q. Number four says the child left in stable
12 condition. And then on the next line "The child
13 is very comfortable in the mother's arms."

14 A. That's correct.

15 Q. That's not really a medical assessment,
16 that's a human assessment that the child and the
17 mother had a close connection and the baby was
18 comfortable; isn't that what that is?

19 A. You're asking me questions that's really
20 hard for me to tell. I mean, there are several
21 possibilities as to why that could be in the
22 chart. I mean, it may be that it's in the chart
23 because he's trying to document in case something
24 happens in that two-hour period that the child
25 did look comfortable. It says that the child was

1 in stable condition, afebrile, heart normal and
2 respiratory rate normal and that's why an
3 ambulance wasn't called. Or it could say that,
4 you know, he really was very comfortable with his
5 mother and was truly complimenting the
6 parent/child interaction.

7 Q. Okay.

8 A. Without being the admitting pediatrician, I
9 really can't make a judgment to that.

10 Q. But there is nothing in these files that you
11 looked at that would show that Ms. Hall, Norma,
12 did anything that was out of the ordinary
13 relative to getting shots, taking the baby in to
14 see the pediatrician, there's nothing in these
15 records that reflect poorly on her performance as
16 a mother, is there?

17 A. No. The only thing that would be in here
18 would be that the child, you know, did respond
19 very well in the hospital really quickly after
20 they changed the nipple. I don't know if that's
21 because she wasn't feeding the child at home, or
22 if it was because the child had a cleft palate
23 and, you know, needed a different type of nipple.
24 So from my perspective, no, I don't see anything
25 that lets me know one way or another, you know,

1 whether she was neglecting the child.

2 Q. And then when we move on to the second page
3 right there, there's a note, MUSC says, from Ron
4 Totell that's in the records, "New nipple. Doing
5 wonderful, gaining weight, feeding quicker."

6 It appears to me and from the records
7 that once Ms. Hall received this new nipple,
8 which was basically an MUSC idea, that the baby
9 started thriving. Isn't that what the records
10 reflect?

11 A. The records did reflect that, yes.

12 Q. Yes. And then the third page, the top page,
13 12-22-00, physical exam, this is after the baby's
14 just being discharged from the Medical
15 University, "Physical exam reveals a child who
16 certainly appears healthy looking especially
17 compared to the 12-6 visit."

18 So basically after a week in the
19 hospital my client receiving a new special nipple
20 for the child's condition, we have a child now
21 that is essentially healthy and back to normal;
22 isn't that right?

23 A. Doing much better, yes.

24 Q. And basically the child at nine months old
25 would have had surgery to correct the soft -- the

1 gap between his nasal cavities and his throat,
2 that's normally the procedure?

3 A. Yes.

4 Q. And now if you direct your attention to the
5 MUSC discharge summary. On page 2 at the bottom
6 it says "Hospital course."

7 A. Oh, on this one.

8 Q. And it talks about the third line down
9 talking about VICTIM, VICTIM has a history of
10 soft -- cleft soft palate. This is under
11 hospital course at the bottom.

12 A. Okay.

13 Q. "Has a history of a sacral that has had
14 ultrasound performed and a cleft soft palate."

15 What is a sacral that has ultrasound
16 performed, what are they talking about there,
17 sacral?

18 A. Sacral is usually the area, it's down kind
19 of at your very lower back, the bottom part of
20 your spinal cord. Sometimes there can be little
21 deficits there that are related to or more --
22 found more frequently in kids that have cleft
23 palate.

24 Q. Yeah. And then it says, "He has been seen
25 in the past by the cleft palate team." A whole

1 team here at MUSC. So basically the child's
2 condition of soft palate was being treated by a
3 team of people at MUSC?

4 A. Right. The team had seen the child, yes.

5 Q. It says here at that point in time Ms.
6 Hufnagle, the feeding specialist, was on
7 vacation. So the child went to MUSC. Child to
8 see the team. And the feeding specialist who
9 could have done something about the little boy's
10 failure to thrive was on vacation. Essentially
11 that happens, I guess.

12 A. Yes. Usually there's somebody there that
13 can fill in and give instruction as well, I don't
14 know in this case.

15 Q. Okay. But then at some point the baby is
16 losing weight. It appears from all the records
17 that Norma took the child in to Dr. Hill at
18 Edisto Pediatrics, the child is not doing well,
19 he says take the child to MUSC and my client
20 followed his directions and did so.

21 A. That's correct.

22 Q. Okay. And it appears that after that one
23 week in the hospital until the baby's death in
24 April, four months go by, this is December, I
25 think, December of 2000.

1 A. Yes.

2 Q. There is no further records from anybody
3 that would indicate that the child lost weight,
4 was abused, or had any other problems, is there?

5 A. Actually the child's weight almost doubled
6 by the four-month visit.

7 Q. Does that sound to you -- now, you're an
8 expert in the field and you've seen a lot of
9 abused babies, a lot of situations, does that
10 sound like my client, Norma, followed MUSC
11 hospital's directions and Dr. Hill's directions,
12 or does it sound like she ignored them?

13 A. Assuming that she was the primary caretaker
14 and the primary feeder, then it sounds like
15 that's what she did.

16 Q. If her husband's working and she's at home
17 with the baby we would normally call that primary
18 caretaker, right?

19 A. That's correct.

20 Q. Okay. Have you had experience in the child
21 abuse area? I mean, I think you do make opinions
22 on issues surrounding child abuse and that type
23 of thing.

24 A. Yes. That actually is my area of practice.

25 Q. Okay. And in your travels and your

1 investigations is there a direct correlation
2 between women who might abuse a child and abuse
3 suffered from their spouse, is there a
4 correlation percentage wise that you would tell
5 us about?

6 A. Women who are domestic violence victims are
7 twice as likely to physically abuse their own
8 children. And actually those episodes of
9 physical abuse tend to be more severe than women
10 who do not suffer from domestic violence. After
11 they leave the domestic violence situation, or
12 however are out of the domestic violence
13 situation, it actually returns back to the normal
14 level.

15 Q. Okay. And a lot of times -- would it be an
16 abuse, because the records don't reflect a
17 continual pattern of abuse toward *VICTIM* in this
18 case, there's no records that I've seen been
19 produced, you haven't seen any records, that
20 sometimes that abuse may take a course like you
21 were just talking about to the extreme where it's
22 a major event that occurs, rather than some
23 continual minor events toward a child?

24 A. It can be both. I mean, both can happen.

25 Q. Well, in this case we're obviously talking

1 about the death of little VICTIM, that would be a
2 very severe extreme event?

3 A. That would be a severe one, yes.

4 Q. Okay. Would that normally -- when you were
5 talking about the proportion of women who might
6 abuse their children being greater if they
7 suffered abuse from their husbands, would the
8 same tie-in apply there that an extreme ultimate
9 event be more likely in that scenario when she's
10 being abused by a spouse?

11 A. You mean there being no physical abuse
12 documented and then --

13 Q. Versus extreme abuse.

14 A. And then a sudden. I'm not sure that I've
15 seen literature to that so I -- you know, I would
16 assume that both patterns, that that would
17 include both patterns of women who physically
18 abuse kids kind of, you know, up until there is a
19 severe incident versus, you know, the first time
20 that they physically abuse, or the first time
21 that it comes to light that they physically abuse
22 being this severe.

23 That makes sense, but I don't know of
24 any literature that would support that, so I'm
25 not -- I'm not going to make a medical opinion

1 with any degree of certainty around that.

2 Q. But you would still stick to your guns about
3 a child abuse is more normally associated when
4 the woman is receiving spousal abuse?

5 A. Yes.

6 Q. Is the figure something like 78 percent of
7 child abuse occurs in situations where the wife
8 is also being abused by the husband, does that
9 sound like a pretty good figure to you?

10 A. The stat that I'm aware of says that
11 78 percent of all child maltreatment is actually
12 preceded by domestic violence in the home. Now,
13 it may be that one spouse is being abused that
14 may be male or female because there really are a
15 significant number of men who are being
16 physically abused as well, but the stat that I've
17 seen says that 78 percent of all child
18 maltreatment is preceded by domestic violence in
19 the home.

20 Q. Were you aware that the Hall Institute and
21 the doctors up there, Dr. Milikian and
22 Dr. Crawford and their associates, diagnosed my
23 client as having amphetamine-induced psychosis
24 and amphetamine dependance?

25 A. Yes.

1 Q. What is the play in there, when you
2 juxtapose that condition, methamphetamine
3 addiction and psychosis, with a situation of
4 spousal abuse, what happens in the whole scenario
5 there vis-a-vis the child and child abuse?

6 A. The literature that I'm aware of certainly
7 shows a correlation between stimulant drugs and
8 child physical abuse, you know, and
9 methamphetamine certainly is a stimulant drug.
10 So we know that that certainly exists.

11 As far as any particular information
12 about stimulant drugs increasing child abuse in
13 cases where the person taking it is a DV victim
14 or domestic violence victim, I've not seen that.
15 My guess is it all kind of interplays to increase
16 the chance that that will happen, but, you know,
17 I don't know of any studies to that.

18 Q. You are familiar with the effects of
19 methamphetamine on the human psyche and the
20 neurological changes that occur in the person
21 that's addicted to methamphetamine; are you not?

22 A. To some extent. Certainly I'm not an
23 alcohol and drug physician, but, yes, to some
24 extent.

25 Q. And it can result in bizarre hallucinations

1 and visual and auditory hallucinations?

2 A. Yes, that's the psychosis. That's the
3 altered thought process.

4 Q. And when a person has stayed up if they've
5 taken methamphetamine over a period of four or
6 five days, wouldn't their hallucinations and
7 behavior become more bizarre rather than more
8 normal?

9 A. Oh, yes. The psychosis would cause the
10 bizarre behavior.

11 Q. The lack of sleep on top of the fact that
12 you're doing these methamphetamines could result
13 in a complete detachment from reality? I mean,
14 you know you're on planet earth, but you're not
15 exactly all the way here?

16 A. It's hard to know whether the lack of sleep
17 would lead to -- or would increase the psychosis
18 or if the psychosis would actually cause the lack
19 of sleep. You know, I really don't know the
20 interplay there.

21 Q. How about if a mom is staying up for five
22 days without some sleep, do you think she's got
23 more control over her faculties and being able to
24 take care of a child or less control over the
25 faculties?

1 A. Less control.

2 Q. Five days, right?

3 A. Yes.

4 Q. Sleep, getting sleep is a very valuable
5 component in terms of a child and his mother's
6 interaction, right?

7 A. Right. I mean, certainly a lot of mothers
8 are sleep deprived, but not typically five days'
9 worth.

10 Q. You've actually had cases where two parents
11 who have just been kept up two or three days
12 actually do something to a child that constitutes
13 child abuse that they might not have done if they
14 had gotten enough sleep?

15 A. I don't know how to say they might not have
16 done it if they've gotten enough sleep. I think
17 that the literature actually kind of shows that
18 if there are certain things that will aggravate
19 or cause a decrease in the threshold of whether
20 or not someone will physically hurt a child, but
21 there is some literature that shows that if
22 someone is predisposed to physically hurt a
23 child, then they have a certain threshold that
24 they will go to but not past that.

25 And so, I mean, you might have

1 aggravating factors that would decrease their
2 threshold to do it, but I'm not sure you have
3 aggravating factors that decrease whether or not
4 they would do that to a child. Does that make
5 sense, or you want me to give you examples?

6 Q. Let me give you an example.

7 A. Okay.

8 THE COURT: I understand what you're
9 talking about.

10 MR. BOLUS: Ma'am?

11 THE COURT: I understand what she said.

12 Q. It's sort of like when they say he got up on
13 the wrong side of the bed, we refer to that to
14 mean somebody didn't get a good night's sleep and
15 they're irritable, right?

16 A. Yes.

17 Q. And if you don't get up on the wrong side of
18 the bed four or five days in a row you become
19 more irritable, most people do?

20 A. Yes.

21 Q. Okay. What kind of a -- on the
22 psychological profile of a young mother who is
23 being, let's just assume for assuming sake, that
24 being abused by her husband, is methamphetamine
25 dependent, where would she be on the

1 psychological profile here? Would she be like
2 paranoic, or what would you call that?

3 A. You're getting out of my realm.

4 Q. Okay.

5 A. Yeah. I'm not -- you're kind of getting out
6 of my realm of practice there.

7 Q. Okay.

8 MR. BOLUS: Judge, that's all I think I
9 have.

10 THE COURT: All right. Just a second,
11 Ms. Murphy. All right. Ms. Murphy,
12 redirect.

13 MS. MURPHY: Thank you, Your Honor.

14 REDIRECT EXAMINATION

15 BY MS. MURPHY:

16 Q. Dr. Baker, in your experience when children
17 are born with soft cleft palates are mothers
18 urged to immediately contact if they're having
19 problems feeding the child, or to notify doctors
20 to come in to help with feeding a child if
21 they're having problems?

22 A. Yes.

23 Q. And, Doctor, what judgment can you make from
24 the skin as it was just hanging in folds, what
25 judgment can you make as to that?

1 A. That the child was pretty severely
2 malnourished, or moderately severely
3 malnourished.

4 Q. Based on the records it seems obvious that
5 in the mother's care the child was very
6 malnourished, but once in the hospital's care the
7 child thrived; is that correct?

8 A. Yes, that's correct.

9 Q. And, Doctor, would you make a correlation,
10 domestic violence was reported, that the domestic
11 violence was only self-reported by the defendant
12 only after she was arrested for her child's
13 murder and that there was no prior documentation
14 that she had ever actually been physically abused
15 by her husband, would that make a difference?

16 A. No. Unfortunately all too often that is the
17 pattern.

18 Q. Would you consider it to constitute child
19 abuse to take a child away from the safety of its
20 home while high on methamphetamine and not sleep
21 for five days and have it out in the woods
22 somewhere?

23 A. Yes.

24 Q. No further questions. Thank you, Doctor.

25 THE COURT: Yes, sir. Recross.

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1 four days, actually even before they leave the
2 hospital, they can lose, you know, several ounces
3 before they even leave the hospital. By the age
4 of two weeks that should have been recovered and
5 then from there the child's weight should be
6 increasing.

7 Q. Yeah. But the record shows she gave birth
8 on November the 1st, she goes to a Dr. Hill
9 November the 9th, eight days later, she goes to
10 Dr. Hill again on 11-14, two weeks later, that's
11 the first time it looks like failure to thrive is
12 present. And then within another two weeks,
13 three weeks, Norma's gone back to the same doctor
14 because the baby is getting smaller.

15 A. Yes.

16 Q. That doesn't sound like --

17 A. For rechecks.

18 Q. Does that sound like child abuse to you?

19 A. That sounds like a whole lot of different
20 things, and I can't make any decision or any
21 judgment about whether it was or not. It could
22 be that as the child was starting to -- you know,
23 to get more mature that they started having
24 trouble with the nipple, it could have been
25 because there was child abuse, it could have been

1 that there was some change in -- you know, in
2 what she was doing. I mean, I just can't make
3 any kind of professional judgment about what
4 happened during that period of time. But it
5 appears that the failure to thrive kicked in
6 sometime between 11-14 and December the 6th.

7 Q. Yeah. And that means the baby lost about 6
8 to 7 ounces?

9 A. Yes.

10 Q. And giving people the benefit of the doubt,
11 that doesn't -- I mean, that occurs maybe not all
12 the time, but it's not uncommon for the baby to
13 lose a little weight and parents to be concerned
14 and take the child in to their doctor about it,
15 that's a common experience, isn't it?

16 A. It's common for kids to either not gain
17 weight or to lose a little. It is uncommon for a
18 kid to lose or baby to lose a half a pound, which
19 is why the child is put in the hospital. I mean,
20 it is uncommon for kids to go in the hospital
21 because of failure to thrive. Does it happen?
22 Yes. And does it happen for a whole lot of
23 different reasons? Yes. And is child abuse just
24 one of those reasons? I would say the answer is
25 yes. So I'm kind of trying answer this as

1 truthfully as I can. I can't make any judgment
2 about that.

3 Q. All right. So that in and of itself is not
4 directly reflective of child abuse in your
5 opinion?

6 A. No.

7 Q. Or the other way around, vice-versa?

8 A. Correct.

9 Q. That's all I have. Thank you.

10 EXAMINATION

11 BY THE COURT:

12 Q. I have a couple of questions, if I may,
13 along the same line of questioning. If a mother
14 is feeding a child with a soft palate, does a
15 child ingest formula, the formula doesn't help
16 the child thrive, or is it the fact the formula
17 is not being ingested?

18 A. The formula is actually not getting in their
19 mouth, they're having trouble sucking and so --
20 because they can't form a good seal around the
21 nipple to get the formula to actually come out of
22 the bottle in their mouth.

23 Q. So if you have, say, 4 ounces of formula and
24 you were trying to feed a child, at the
25 conclusion of that effort you would know if the

1 fluid had been ingested?

2 A. Yes.

3 Q. You could look at the bottle and you could
4 tell this baby has this day not ingested more
5 than an ounce, or two ounces, or what it would be?

6 A. Correct.

7 Q. In other words, that would be information
8 that a person, a caregiver could know or would
9 know?

10 A. Correct.

11 Q. Does the information that you have, does it
12 reflect the change in the nipple that was made by
13 the Medical University, and my question to you is
14 this.

15 A. Right.

16 Q. Is this particular nipple a very specialized
17 nipple, or is it one that could have been
18 ascertained by anyone? There obviously are a
19 number of different kinds of nipples that are on
20 the market.

21 A. Right. Sure.

22 Q. Is this particular nipple so specialized
23 that it needed to be prescribed by a physician or
24 pediatrician?

25 A. I don't know about that one in particular.

1 I can tell that you most mothers are not going to
2 be savvy enough about different types of nipples
3 to know where to go get one.

4 Q. Right.

5 A. So if in fact it was the nipple, then she
6 would probably not be able to remedy that on her
7 own.

8 Q. All right. And share with me also, if you
9 will, the six-month-old infant, tell me if you
10 know from the records specifically about this
11 infant, or if you can't tell from the records
12 about this infant what is the normal --

13 A. Okay.

14 Q. -- infant who is six months old. And I
15 would begin by asking you is either this infant,
16 or a normal infant at six months old walking?

17 A. No.

18 Q. How many teeth?

19 A. None.

20 Q. Can an infant who is six months old, in your
21 opinion within a reasonable degree of certainty,
22 chew grass?

23 A. If this child were hungry enough could the
24 child suck grass, yes. Could the child chew it
25 and actually chew it, you know, into little

1 pieces, no.

2 Q. What would be the experience, if you know,
3 of a child who had someone take 15 to 20 pieces
4 of folded grass together and placed in the
5 child's mouth, obviously to the extent that the
6 grass ended up in the child's stomach, is the
7 child developmentally in a position to be able
8 without some difficulty to swallow that --

9 A. Like it would group together, folded
10 together?

11 Q. Yes.

12 A. That's going to be a tough one. That would
13 be very, very difficult for a child to do.

14 Q. Could it choke a child?

15 A. Yes.

16 Q. All right. Is a child who is six months
17 old, either this child, if you know, or a typical
18 child able to sip from a cup?

19 A. You're getting kind of right there on that
20 edge where they certainly can't hold it and sip
21 from it, could if somebody put something up to
22 them and them get something in, they may be able
23 to start doing that. And all I know about this
24 child is in particular is at four months the
25 pediatrician said the child's developmentally

1 okay. So assuming two months later, you know, be
2 right on the cusp being able to do that.

3 Q. All right. And could this child, this child
4 or a six-month-old child have the ability to cup
5 the child's hands, his or her hands, in say a
6 creek and scoop up water and then --

7 A. Oh, no, no. No. Actually if the child was
8 laying facedown they would drown in the creek
9 because they wouldn't be able to get themselves
10 up to do that.

11 Q. Would you expect that a mother, and this is
12 her third child, third infant, to notice an
13 infant, a newborn, if you will, losing weight?

14 A. Usually after they've had one child that
15 does well they're much more likely to recognize
16 the signs of weight loss or just poor gain even,
17 yes.

18 Q. And was this child's soft palate discovered
19 at the time of birth?

20 A. I'll have to go back and check, but I think
21 so.

22 Q. And from your review of the records, was
23 there any instruction given to these parents
24 regarding the care and feeding of a child with
25 this condition?

1 A. I can go back and check specifically, but I
2 can't imagine that there wasn't. But I can go
3 back and check if you'd like.

4 Q. I'm interested to know that. If you would
5 do that for me.

6 A. Let me check real quick.

7 (Pause in proceedings.)

8 A. Certainly by a week of age it's documented
9 the mother or the physician was aware of the
10 cleft palate, that I'm sure they were at birth, I
11 just need to....

12 Q. You know now that when the child was a week
13 old that information was known?

14 A. Yes.

15 Q. Were the parents given any information about
16 the care of an infant with a soft palate?

17 A. I'm sure they were.

18 Q. Okay.

19 THE COURT: Does that prompt questions
20 from either of you?

21 MS. MURPHY: Not from the State, Your
22 Honor.

23 MR. BOLUS: No, ma'am.

24 THE COURT: All right. Very well.

25 Thank you so much. Is this witness free to

1 leave?

2 MR. BAILEY: Yes, ma'am.

3 THE COURT: Very well. You are free to
4 go.

5 THE WITNESS: Thank you.

6 THE COURT: Yes. And we have all the
7 exhibits.

8 THE WITNESS: There were two.

9 THE COURT: All right. Thank you very
10 much.

11 (Whereupon, the witness steps down from the
12 witness stand.)

13 THE COURT: All right. Mr. Bailey, if
14 you would please call your first witness.

15 MR. BAILEY: Thank you, Your Honor.
16 Pamela Eckert.

17 (Pamela E. Eckert, called as a witness,
18 having first been duly sworn, is examined
19 and testifies as follows:)

20 THE CLERK: Come around and have a
21 seat.

22 THE COURT: Yes, ma'am. If you would
23 please be seated. And when you are seated,
24 the microphone is in place, if you would
25 please state your full name for the record

1 and spell your last name.

2 THE WITNESS: Pamela Elaine Eckert,
3 E-c-k-e-r-t.

4 THE COURT: Your witness, Mr. Bailey.

5 DIRECT EXAMINATION

6 BY MR. BAILEY:

7 Q. Ms. Eckert, back in April of 2001 were you
8 and Ms. Norma Patrick Hall friends?

9 A. Yes, we were.

10 Q. How long had you known her at that time?

11 A. For about a year.

12 Q. Okay. And had she visited with you in your
13 home and you visited with her?

14 A. Yes, we did.

15 Q. All right. Now, I want to call your
16 attention to a Monday morning, April 23rd, 2001,
17 and ask whether or not you received a telephone
18 call from Norma Patrick Hall?

19 A. Yes, I did.

20 Q. All right, ma'am. Would you tell the judge
21 the best of your recollection what she told you
22 over the telephone?

23 A. She told me that Randall had left her and
24 VICTIM in the woods for dead.

25 Q. Okay. Did she make any request of you after

1 telling you --

2 A. She asked me if I would come pick her up.

3 And she told me where to pick her up at, where

4 she would be.

5 Q. When she said Randall had left her, did you

6 recognize that as being her husband's name?

7 A. Yes, I did.

8 Q. Okay. So after telling you that her

9 husband, Randall, had left her and the baby in

10 the woods for dead, she then asked you to come

11 pick her up?

12 A. Yes, she did.

13 Q. And did you do that?

14 A. I did.

15 Q. All right. And where did you pick Ms. Hall

16 up at?

17 A. I picked her up on the dirt road that leads

18 to her house.

19 Q. All right. And could you tell the judge,

20 please, Mrs. Hall's appearance when you saw her,

21 the way she was dressed and the way she appeared

22 to you?

23 A. She had tennis shoes on, jeans, no shirt,

24 and a leather jacket thrown over her shoulder.

25 Q. All right. What about her body, her

1 physical appearance?

2 A. She was covered in scratches and bruises and
3 she looked a mess.

4 Q. Okay. Did she get into your vehicle? I
5 think you had a van at the time; did you not?

6 A. Yes.

7 Q. Did she get in there with you?

8 A. Yes, she did.

9 Q. Did she make any request of you once she got
10 in her van?

11 A. To drive her down to her trailer to get her
12 clothes.

13 Q. And did you agree to do that?

14 A. No.

15 Q. Okay. Did you -- what did you do after she
16 asked you to drive her down to the trailer to get
17 her clothing?

18 A. I told her no. And she asked me, you know,
19 she kept asking me, please, and I told her no.
20 So she asked me to take her back behind her house
21 at Lot 7 and so I drove her back there. And she
22 got out and she went through the woods and she
23 got her stuff. And as she was coming back I saw
24 her fall and then I went out there to help her.

25 Q. Okay. Was she carrying stuff with her?

1 A. She had two bags and a gun.

2 Q. When you say "a gun," are you talking about
3 a pistol or a long gun?

4 A. A long gun.

5 Q. Okay. And did she say anything to you about
6 the gun, why she had a gun with her?

7 A. Well, I told her to give me the gun because
8 I was afraid one of us might get hurt. And I
9 asked her what she was doing with it, and she
10 told me that if anybody messed with her -- she
11 was scared.

12 Q. Okay.

13 A. She was scared and she told me that if
14 anyone messed with her that she would kill them
15 with it.

16 Q. All right. And after she got back into your
17 van carrying the gun and these other items that
18 you've described, did you talk to her about what
19 would happen next?

20 A. Yes. She started. Yeah. I asked her where
21 the baby was.

22 Q. All right. And the baby is *VICTIM*, is that
23 right?

24 A. Right.

25 Q. When you asked her where the baby was, did

1 she give you a response?

2 A. Yes. She told me that -- she told me that
3 Randall -- oh, God. She told me that Randall and
4 somebody took the baby and killed the baby and
5 threw him in a canal.

6 Q. All right. Did she say anything about her
7 appearance? You described that she was partially
8 dressed and was scratched up?

9 A. She was ashamed of the way she was, the way
10 she looked, the way she smelled, the way she
11 was -- she was just ashamed of the way she
12 looked.

13 Q. Did she expressed that to you?

14 A. Yes.

15 Q. All right. Did you go somewhere with her?

16 A. We were riding toward Ridgeville.

17 Q. Okay. Did you have a particular destination
18 in mind, or you were just driving?

19 A. No. We were just riding and she was telling
20 me what was going -- what happened.

21 Q. Okay. I'll ask you to please take your
22 time, to the best of your recollection, and tell
23 Judge Goodstein what you recall of the
24 conversation you had with Ms. Hall as you left
25 the area of her home and drove in the direction

1 of Ridgeville.

2 A. She said that she had been riding out in the
3 woods looking for Randall and she had thought
4 that Randall was having an affair. And so she
5 had went down this road and she got stuck. And
6 nighttime came and the baby needed some water.
7 And so she got out the car to go get the baby
8 some water because she knew that there was a
9 canal.

10 And as she was walking she had the baby
11 in front of her like this, and as she was walking
12 somebody had come behind her and grabbed her with
13 something. And she somehow got away and she had
14 fell during the time she was running. And she
15 had gotten up still with the baby, she had fell
16 and she had gotten up, but they had got her. And
17 somebody jerked the baby from her. She said it
18 was Randall who had her, she knew it by the hat
19 he was wearing, he was camouflaged, camouflaged
20 clothes, his face, she could recognize him by his
21 hat, the symbol on his hat. She said she heard a
22 lady yell at Randall that she had killed the baby
23 and threw him in the canal, that he needed to go
24 ahead and kill her.

25 And she got away from him. And that

1 night she stayed in the woods and she had buried
2 herself under some grass and stuff.

3 And she said some people had come up
4 and they had like some kind of cult thing where
5 they had killed an animal and drank its blood.
6 And she said that there was some guy in a yellow
7 tie-dyed shirt that had a white pit bull and the
8 dog had went to where she was laying and sniffed,
9 but the owner had called him back. And then
10 after they had left she got out, she got up and
11 tried to find her way out and tried to find help.

12 Q. All right. Now, as you got to Ridgeville,
13 did you go into the town of Ridgeville?

14 A. Yes, sir.

15 Q. All right. And what, if anything, did you
16 observe when you got to Ridgeville?

17 A. There was an ambulance and two EMS workers
18 getting ready to climb into the ambulance.

19 Q. And when you saw the EMS workers, what did
20 you then do?

21 A. I flashed my lights at them.

22 Q. Okay. Did you stop your van?

23 A. I did.

24 Q. Okay. And, Ms. Eckert, did Norma Hall say
25 anything to you as you began to stop your van

1 where the EMS people were? And you can -- if you
2 can remember the quote directly, you're under
3 oath here and you're under subpoena and I would
4 ask you if you could relate what she said.

5 A. What was she saying to me when I was going
6 to stop?

7 Q. Yes, ma'am.

8 A. She asked me what in the fuck was I doing,
9 if she knew I wasn't going to do it her fucking
10 way she wouldn't have called me.

11 Q. Okay. Did you stop?

12 A. I stopped.

13 Q. Okay. Did you stop because she asked you,
14 that she said she wanted medical help?

15 A. No. I stopped because she told me she had
16 give the baby mouth to mouth and he had a glaze
17 over his eyes. And when she said that it just
18 freaked me out and I just looked up and the EMS
19 was there and I just stopped.

20 Q. Okay. All right. And after you stopped,
21 did EMS, did you then approach EMS and tell them
22 what was going on?

23 A. Yes, I did.

24 Q. Okay. During this entire time that you had
25 Norma Hall in the car with you, did she ever ask

1 you to take her for medical help?

2 A. No.

3 Q. Did she ever ask you to take her to the
4 police or to the sheriff?

5 A. No.

6 Q. Do you know of your own personal knowledge,
7 Ms. Eckert, whether or not Norma Hall is familiar
8 with the hunting club that adjoins her property,
9 behind her property?

10 A. Yes.

11 Q. And how do you know that?

12 A. Because I've kept baby *VICTIM* before while
13 she's been out there.

14 Q. Okay. And was that more than one occasion?

15 A. Twice, I believe.

16 Q. Twice, okay.

17 I appreciate you appearing under
18 subpoena, and I would ask you to please answer
19 any questions Mr. Bolus may have for you.

20 THE COURT: All right. I'll get you a
21 drink of water.

22 THE WITNESS: Thank you.

23 MR. BOLUS: Your Honor, do you have the
24 pictures I would like to show her?

25 THE COURT REPORTER: Right here.

1 MR. BOLUS: Oh, thank you.

2 CROSS-EXAMINATION

3 BY MR. BOLUS:

4 Q. Let me just get you to look through those
5 briefly.

6 THE COURT: These are photographs which
7 have been marked and I gather placed into
8 evidence and are Defendant's Exhibit 3?

9 MR. BOLUS: Yes, ma'am.

10 THE COURT: Without objection?

11 MR. BAILEY: Without objection, Your
12 Honor.

13 THE COURT: Very well. They are a
14 series of photographs.

15 (Entered into evidence was Defendant's
16 Exhibit 3, 26 pages of photographs of the
17 defendant.)

18 A. I'm done.

19 Q. Okay. Does that, to your knowledge, reflect
20 the appearance of Ms. --

21 A. Yeah.

22 Q. -- Hall when you saw her?

23 A. Yes.

24 Q. And obviously she doesn't always go around
25 looking like that?

1 A. No, right.

2 Q. You've known her for years?

3 A. A year.

4 Q. She was -- when you found her, she was
5 crying and --

6 A. She was scared to death.

7 Q. She was scared to death?

8 A. Yes.

9 Q. And you believe that was an honest scared to
10 death?

11 A. She scared me. I was scared. I wouldn't
12 drive back because where she lives there was one
13 way in and there's one way out. And the way she
14 looked and as scared as she looked I knew -- and
15 what she told me on the phone that if Randall had
16 anything to do with it, I wasn't going to go back
17 there and get trapped back there. So she was
18 scared.

19 Q. Okay. Had you had any -- had you heard
20 anything about -- from my client in the past
21 about any physical abuse at the hands of her
22 husband, had she ever mentioned that to you?

23 A. Several times.

24 Q. Okay. But of your own personal knowledge
25 did you know of any abuse, like did you ever

1 observe any bruises?

2 A. I've seen bruises on her arms, yes.

3 Q. And when you saw the bruises, did she
4 explain to you how they happened?

5 MR. BAILEY: Judge, I'm going to object
6 to any hearsay from Ms. Hall.

7 MR. BOLUS: Your Honor, I think we are
8 at a sentencing and it's -- if she sees
9 bruises and says a story at least it shows a
10 consistency here because I'll be producing
11 other witnesses that will attest to the same
12 thing, seeing bruises and that type of
13 thing.

14 And it's not necessarily going to
15 prove the truth of the matter, it's to show
16 my client's frame of mind.

17 THE COURT: I'll allow it. You may
18 proceed.

19 MR. BOLUS: Thank you.

20 Q. Did she explain to you that Mr. Hall had
21 abused her?

22 A. Yes, she did.

23 Q. On these occasions, did she -- was she
24 nonchalant and unconcerned about the abuse, or
25 did she act fearful to you on those other

1 occasions?

2 A. She acted fearful to me, yes.

3 Q. Okay. And when you saw her that day
4 regardless of how the story changed in the
5 future, whatever, did you have a reason to
6 believe that this could have happened the way she
7 told it?

8 A. The way she looked, yes. I was scared. I
9 was scared. The way she looked I was afraid that
10 Randall did that to her.

11 Q. And she looked flea bitten, bug bitten,
12 scratched up, looked like she had gone to hell
13 and back?

14 A. She looked like somebody tied her to a truck
15 and drug her through the woods, that's what she
16 looked like to me.

17 Q. Did she look like she had possibly been up
18 for days, or did she look like she was strung out
19 on drugs or anything to you?

20 A. I didn't -- no. She didn't look like she
21 was strung out on drugs to me, she looked and
22 acted like somebody that was in fear of their
23 life. That's the way she looked and acted to me.

24 Q. All right. And she actually had a rifle in
25 her hands you said?

1 A. She had it over her shoulder.

2 Q. And she had a -- you said a jacket and a bra
3 on?

4 A. Yes.

5 Q. Walking -- you met her walking down the
6 street?

7 A. She was walking toward her trailer on a dirt
8 road.

9 Q. Okay. And she had no shoes on?

10 A. She had tennis shoes on.

11 Q. Okay. That's all I have.

12 THE COURT: All right.

13 MR. BAILEY: No redirect, Your Honor.
14 Thank you.

15 THE COURT: All right. Is this witness
16 free to leave?

17 MR. BAILEY: Yes, ma'am.

18 THE COURT: All right. You are free to
19 go if you wish.

20 THE WITNESS: Thank you.

21 (Whereupon, the witness steps down from the
22 witness stand.)

23 MR. BOLUS: Your Honor, may I take a
24 little break for a second?

25 THE COURT: Certainly. We'll take a

1 five-minute comfort break.

2 MR. BOLUS: Thank you.

3 (Recess, from 10:56 a.m. to 11:11 a.m.)

4 MR. BAILEY: I think I was getting
5 ready to call Jeff Worsham.

6 THE COURT: Oh, all right.

7 (Jeffrey A. Worsham, called as a witness,
8 having first been duly sworn, is examined
9 and testifies as follows:)

10 THE CLERK: Come around and have a
11 seat, please.

12 MR. BAILEY: Your Honor, can we
13 approach briefly?

14 THE COURT: You may.

15 (Whereupon, a bench conference was held off
16 the record.)

17 THE COURT: Just come on and get seated
18 and Ms. Saulisbury will help you with the
19 microphone. Ms. Saulisbury, if you'll pour
20 him a little water, too.

21 MS. SAULISBURY: Yes, ma'am.

22 MR. BAILEY: Your Honor, if I could
23 have these marked as State's Exhibits, three
24 of these that we agreed upon.

25 MR. BOLUS: No objection.

1 THE COURT: Very well. State's
2 Exhibits 3, 4, and 5 in evidence without
3 objection.

4 (Entered into evidence was State's Exhibit
5 4, photograph.)

6 (Entered into evidence was State's Exhibit
7 5, photograph.)

8 If you would please state your
9 full name for the record and spell your last
10 name.

11 THE WITNESS: It's Jeffrey Allen
12 Worsham, W-o-r-s-h-a-m.

13 DIRECT EXAMINATION

14 BY MR. BAILEY:

15 Q. Mr. Worsham, where are you employed?

16 A. The Ashley River Fire Department.

17 Q. All right, sir. Are you also a reserve
18 deputy?

19 A. Yes, sir.

20 Q. And I'm going to ask whether or not back in
21 April of 2001 you were part of the search team
22 that was trying to find VICTIM

23 A. Yes, sir. I was working at command post.

24 Q. All right, sir. And when did you first
25 start participating in the search for this baby?

1 A. Tuesday morning of that week.

2 Q. Okay. And were you out there all day
3 Tuesday?

4 A. Yes, sir.

5 Q. Okay. What other agencies were involved in
6 attempting to find this child?

7 A. Numerous. We had all the way from the upper
8 state came down to help us.

9 Q. All right, sir. And what about Wednesday,
10 was the search ongoing on Wednesday, too?

11 A. Yes, sir.

12 Q. Okay. And about how many people, roughly,
13 do you think were involved in the search?

14 A. Three to 400.

15 Q. All right, sir. Thursday, April 26th, were
16 you at the command post that was set up near the
17 hunting club?

18 A. Yes, sir.

19 Q. All right, sir. And would you state whether
20 or not you left the command force -- command post
21 and went out to the location of where Ms. Hall's
22 car had become stuck?

23 A. Yes, sir.

24 Q. And by then the car had been removed; had it
25 not?

1 A. Yes, sir.

2 Q. Could you tell by the tracks and the ruts
3 where the car had been?

4 A. Yes, sir.

5 Q. When you went out to that location, did you
6 go by yourself?

7 A. Yes, sir.

8 Q. Okay. And go ahead and tell the Court,
9 please, what happened as you went out to the area
10 near where the car had been stuck that Thursday.

11 A. Okay. When I arrived at the edge of the
12 fire break off the dirt road I walked down the
13 fire break.

14 THE COURT: Got to speak a little
15 bit -- I see Ms. Keil struggling to hear
16 you. All right.

17 A. I walked down the fire break headed to the
18 area where the car was, or where we know it had
19 been sitting. When I got to the area where the
20 car was, I kind of walked around in circles for a
21 minute looking for any evidence, anything that
22 might have been missed, just anything that stood
23 out at me. And I seen a trail and I walked into
24 it a little bit.

25 Q. Just a deer trail, or just a path in the

1 woods?

2 A. Yeah. Just like a deer trail, yes, sir.

3 Q. Okay.

4 A. Didn't see anything there. I came back out
5 to the area where the car was and then I noticed
6 another looked like a deer trail off the side of
7 an embankment. I then proceeded, I was going to
8 walk up into that trail. There was a slight hill
9 there that had a looked like a fallen piece of a
10 tree across it, there was a gully and then it
11 went up and then into the trail.

12 . When I attempted to walk into that
13 trail, I had stepped on that branch so as if I
14 wouldn't fall. And when I stepped down my foot
15 slipped and that's when I noticed a white bag. I
16 knew it hadn't been found yet because I was
17 documenting everything that was found at the
18 command post.

19 I proceeded to move the leaves and
20 debris off of it, then noticed a green color,
21 leather type jacket kind of in a ball and the bag
22 was inside of it. I immediately called it in to
23 my supervisor to let him know that I had found
24 something. He instructed me to go ahead and mark
25 it and bring it in.

1 I put a flag down and went to lift it
2 and it was sort of heavy and I knew that that
3 wasn't right. So I left it in place and started
4 to open the jacket and that's when I noticed the
5 thigh area of what appeared to be a child at that
6 time.

7 I lost my breath, I lost my composure,
8 I had to step back and take a deep breath and
9 realize, okay, this might be what we were looking
10 for. And I called it in. We had a specific code
11 that we were using if anybody located the child.
12 I called it in. And to confirm it again I walked
13 up and I reached down and physically touched the
14 baby. And there, again, I couldn't breathe. I
15 never, never felt so alone in my life. I.

16 I called for anybody that was in that
17 area to come there to be with me. And Richland
18 County had their tracking team up at the foot of
19 the fire break and they sent two of their people
20 down to meet with me. And when they got down
21 there to me I was sitting down because I couldn't
22 stand up. And I asked the gentleman that came
23 down to confirm what I had thought I had found.
24 And he did.

25 And then Lieutenant Moore, which was

1 working at the command post with me at the time,
2 he came down to meet with me and see what I had
3 found. .Then of course there it just went on to
4 them calling in crime scene and everything else.

5 Q. All right, sir. And you described the body,
6 of course you didn't know it was a body at the
7 time, you were hoping you would find the child
8 alive; is that correct?

9 A. Yes, sir.

10 Q. You testified there was straw on top of the
11 body, what turned out to be the body?

12 A. Yes, sir.

13 Q. All right, sir. And was the body totally
14 concealed by the straw?

15 A. Yes, sir.

16 Q. All right, sir. You brushed the straw away
17 to see what was there?

18 A. Yes, sir.

19 Q. I want to show you three pictures which have
20 been marked State's collectively -- well, State's
21 3, 4, and 5 for the record, and if these appear
22 to be what you observed after you moved --
23 removed the straw?

24 A. Yes, sir.

25 Q. Please answer any questions if Mr. Bolus has

1 any for you.

2 MR. BOLUS: No questions.

3 THE COURT: Very well. You may come
4 down. You are free to leave if you wish.

5 MR. BAILEY: Thank you, sir.

6 (Whereupon, the witness steps down from the
7 witness stand.)

8 THE COURT: Mr. Bailey, please call
9 your next witness.

10 MR. BAILEY: I think Mr. Bolus had two
11 witnesses he wanted to take out of order and
12 I agreed to that, Your Honor.

13 THE COURT: Yes, sir.

14 MR. BOLUS: It's really three,
15 five-minute type things. And then I think
16 we've agreed to let Dr. Watts go after that.

17 MR. BAILEY: Yes. Three, Your Honor.

18 THE COURT: That's fine.

19 MR. BOLUS: Judge, I would call Don --
20 no, Steve Crosby.

21 THE COURT: Yes, sir. If you would
22 come along, please, and be sworn.

23 (Steven M. Crosby, called as a witness,
24 having first been duly sworn, is examined
25 and testifies as follows:)

1 THE CLERK: Okay. Come around and have
2 a seat, please.

3 THE COURT: Yes, sir. If you'll please
4 state your full name for the record and
5 spell your last name.

6 THE WITNESS: Steven M. Crosby,
7 C-r-o-s-b-y.

8 DIRECT EXAMINATION

9 BY MR. BOLUS:

10 Q. Mr. Crosby, what do you do for a living?

11 A. I'm a bi-vocational pastor. I pastor at
12 Bethel Methodist Church off of Sydneys Road in
13 Walterboro.

14 Q. Is this the church Norma's family attends?

15 A. Her mother and stepdad do.

16 Q. You've known Norma for how long?

17 A. Since 1987.

18 Q. And I would like you to make a statement to
19 the Court as to your feelings in regard to
20 Norma's remorse or anything you know about the
21 case.

22 MR. BAILEY: Your Honor, I want to make
23 an objection. I realize rules of evidence
24 don't technically apply to a sentencing
25 hearing like this, but to have him testify

1 as to somebody else's remorse I think is
2 really an impossible thing to do. I think
3 the only person that can do that is the
4 defendant. And he's not qualified as any
5 kind of an expert and I would assume that he
6 would be a character witness or a fact
7 witness, but he can't put himself in her
8 mind.

9 MR. BOLUS: Well, then I'll just lay a
10 foundation for -- I mean, obviously if
11 someone sees someone, how they're acting --

12 THE COURT: He can certainly testify to
13 what he observed.

14 MR. BOLUS: Okay.

15 THE COURT: But what he cannot testify
16 to obviously is her state of mind, but he
17 can certainly testify to what he saw.

18 MR. BOLUS: Okay. Go ahead. You can't
19 say what you think's in her mind.

20 THE COURT: Do you understand?

21 THE WITNESS: Yes, ma'am.

22 I've been in the ministry now 27
23 years, and being an ex-marine after six and
24 a half years I've seen a lot of things that
25 this fireman has seen before. I have four

1 grandchildren so I understand that as well.
2 I also -- before they started the
3 chaplains's ministry I was called upon many,
4 many times, Sheriff Knight and Sheriff
5 Woodberry, and have been in the Dorchester
6 County Jail to minister the folk. They were
7 not related to my church. I had training
8 that would help me to deal with someone who
9 was emotionally imbalanced, or had a
10 problem, or was showing remorse or guilt and
11 I've been able to see through a lot of
12 things over the years, but I'm not going to
13 pretend, I respect that, that I do not
14 consider myself an expert in that area.

15 I had the opportunity to --
16 Ms. Alice and her husband now after her
17 first husband passed away have been a
18 faithful member of our church. I'm not
19 talking about once a week, I'm talking about
20 faithful all the way through and actively
21 being participants in that. I know her
22 concern for her children, not just one, but
23 all.

24 I've been on the scene from the day
25 after Norma and all of this came to light. I saw

1 her from the situation before Tom and before Ray
2 Nash had her get in his vehicle and leave the
3 church area, I saw her with all the bruises, all
4 the scratches, and her state of mind and I knew
5 that she was not in -- she was not in control of
6 her thoughts then.

7 I shared with Officer Marshall before
8 and I shared with Norma that he was a very
9 understanding and competent police officer and
10 was just willing to take the truth. I tried to
11 get her to get her thoughts together; she
12 couldn't. She couldn't put the sentences
13 together there. She was trying, but she
14 couldn't.

15 I saw her after, at the Dorchester
16 County Jail after she was charged and after she
17 was incarcerated for a period of time. And I
18 believe with all my heart it's a falsehood to say
19 that she doesn't show remorse, because even
20 though she could not bring herself to say that
21 she deliberately took VICTIM 's life, and I can
22 understand that as well, that she would forever
23 feel responsible for his death because he was in
24 her care.

25 And I've seen from family and friends

1 and from people that I knew that knew her while
2 she's been incarcerated, and people that had
3 known her since she's lived where she lives when
4 this took place, that she loved her child. She
5 may have done a lot of things and she made a lot
6 of wrong choices in her life, but I believe that
7 it would be good to give her leniency. One is
8 because no matter what part she played in this
9 that she was deeply sorry for everything, for the
10 untruths and everything else.

11 And I can only say by what I've seen
12 and what I shared in a pastoral relationship with
13 this young lady since this event took place she
14 knows that she's going to have to pay the price,
15 period, or she wouldn't have taken the stand that
16 she's done right now. Thank you, Your Honor.

17 THE COURT: All right. Anything you
18 would like to ask this gentleman?

19 MR. BAILEY: Very briefly if I might,
20 Your Honor.

21 CROSS-EXAMINATION

22 BY MR. BAILEY:

23 Q. Mr. Crosby, before April 2001 when you were
24 called out on this situation when -- the child
25 was missing at that time; is that correct?

1 A. Yes, sir.

2 Q. When you got called out you didn't know the
3 child was dead?

4 A. No, sir. The child was not -- I was
5 standing there the first day this officer, or
6 this fireman was there in the command center.

7 Q. All right. So that would have been Monday?

8 A. This was on a Tuesday, I believe it was,
9 yeah. He's nodding his head.

10 Q. Before the child had been found?

11 A. Yes, sir.

12 Q. Okay. So you and everybody else was hoping
13 to find this baby alive?

14 A. That's correct.

15 Q. And at that time you talked with Norma Hall?

16 A. I talked with Norma just before she was --

17 Q. Okay. And she never told you that she knew
18 the baby was dead, did she?

19 A. No, sir. When I saw her she was so -- I
20 could look at her face and tell she was out of
21 it. She didn't know which -- whether she was
22 coming or going, but she had had so many confused
23 statements herself that she couldn't even tell
24 the truth.

25 Q. Okay. But to answer my question, she did

1 not tell you the child was dead?

2 A. No, sir.

3 Q. All right, sir. And prior to that time when
4 was the last time that you saw Ms. Hall at the
5 church where you're a pastor?

6 A. Never at the church that I'm pastoring now.

7 Q. Okay.

8 A. It was at old St. George Baptist Church.

9 Q. All right.

10 A. I pastored there for six years and her
11 family lived next door.

12 Q. All right, sir. What six-year period would
13 that encompass?

14 A. That was in 1987, and I was there six years
15 from there, sir.

16 Q. You started in '87?

17 A. Started in '87.

18 Q. So about 1993 is when you left there?

19 A. Yes, sir. Close to there.

20 Q. When is the last time during that six-year
21 period that you saw Ms. Hall at your church?

22 A. I'd say towards the end of my tenure.

23 Q. Okay. So between about 1993 and April

24 2001 --

25 A. Right. I lost track of her for that period

1 of time.

2 Q. Did you see her at all during that period of
3 time?

4 A. No, sir. Not until this came about.

5 Q. Thank you, sir. That's all I have.

6 THE COURT: Any redirect?

7 REDIRECT EXAMINATION

8 BY MR. BOLUS:

9 Q. You did see her at the county jail, though,
10 on a few occasions?

11 A. Yes, sir.

12 Q. And did she -- from her demeanor and the
13 things she told you, did she express remorse for
14 the child?

15 A. She was broken. And there were no words
16 that could express the feeling that she had, but
17 she shared that not once but many times.

18 Q. Did she cry?

19 A. Yes.

20 Q. Did you cry with her?

21 A. Yes.

22 Q. Thank you very much.

23 THE COURT: Anything further?

24 MR. BAILEY: Nothing further, Your
25 Honor.

1 THE COURT: All right. You may come
2 down.

3 THE WITNESS: Thank you.
4 (Whereupon, the witness steps down from the
5 witness stand.)

6 THE COURT: Yes, sir, Mr. Bolus, call
7 your next witness.

8 MR. BOLUS: Don Shackelford.

9 THE CLERK: Raise your right hand, give
10 us your full name.

11 THE WITNESS: Robert Donald
12 Shackelford.

13 (Robert D. Shackelford, called as a witness,
14 having first been duly sworn, is examined
15 and testifies as follows:)

16 THE COURT: If you would state your
17 full name for the record and spell your last
18 name.

19 THE WITNESS: Robert Donald
20 Shackelford, S-h-a-c-k-e-l-f-o-r-d.

21 DIRECT EXAMINATION

22 BY MR. BOLUS:

23 Q. I noticed there was a badge on your belt?

24 A. Yes, sir.

25 Q. What is that badge?

1 A. I'm the chaplain of the Dorchester County
2 Jail.

3 Q. And it's a shield, says Dorchester County
4 Sheriff's Department?

5 A. Yes, sir. It does.

6 Q. And in your capacity as chaplain what is
7 your main function? It's not police work or law
8 enforcement, is it?

9 A. No, sir. I have no law enforcement
10 whatsoever.

11 Q. What do you do?

12 A. My only function is to try to give help to
13 the helpless, hope to the hopeless, and love the
14 unlovely, and minister to those who are there and
15 oversee the other ministries that happen there as
16 well.

17 Q. That's almost a reflection of all the
18 plaques I see in the county jail that talk about
19 the relationship with the Lord and forgiveness
20 and alcohol abuse and all. I mean, there's a lot
21 of plaques over there, isn't there?

22 A. Yes, sir.

23 Q. And have you been in the other jails?

24 A. Yes, sir. I have.

25 Q. This is kind of one of a kind over there,

1 isn't it?

2 A. It is certainly unique.

3 Q. Is there a lot of rapport between the
4 inmates and the guards and yourself?

5 A. There are, yes. There is a lot of rapport.
6 In fact, it's something that we work on in trying
7 to help the relationships, understanding each
8 person's human regardless of which side of the
9 fence they're on.

10 Q. And in your capacity as chaplain, did you
11 have an occasion to meet with Norma on several
12 occasions since her arrest last April?

13 A. Yes, sir. I have.

14 Q. And did she talk to you about this case?

15 A. Not in detail.

16 Q. Okay. What is the nature of the
17 communication and interaction that you two had?

18 A. Because I know of the case and because I
19 know of some of the facts of the case from the
20 officers, I would not deal with her concerning
21 the case. I simply dealt with her heart, where
22 she was, and what she had to look forward to,
23 where she was going in life. And so I was
24 ministering to her from a place of being a broken
25 person. She's very broken, very remorseful, and

1 I administered to her through her tears.

2 Q. Did she cry uncontrollably on several
3 occasions?

4 A. Yes, sir. She did.

5 Q. Do you get any indication that that was fake
6 for your benefit or something?

7 A. No, sir. I have been here for --

8 MR. BAILEY: Judge, I'm going to
9 object. Unless he's a psychiatrist or
10 psychologist I don't think he can give an
11 opinion on malingering or anything of that
12 nature. He's, again, a laywitness and a
13 character witness and I understand and
14 respect that, but I think he's going too far
15 with it.

16 THE COURT: Do you wish to try to lay a
17 foundation, Mr. Bolus?

18 MR. BOLUS: Yes, ma'am. I think even
19 lay people, it's almost like he was very
20 intoxicated or he wasn't, it's almost like
21 someone, even laypeople in their experiences
22 of growing up can testify that they felt
23 someone was sincere or not. I mean, it's --
24 even a psychologist with all their tests
25 can't really tell for sure when someone's

1 sincere or not, just his feelings about his
2 experience of seeing everybody he's seen and
3 throughout the year some people aren't
4 sincere and some are. It kind of goes to
5 the weight of the evidence, rather than just
6 the admissibility of it.

7 THE COURT: Well, he can certainly
8 testify to what he observed.

9 MR. BOLUS: Okay.

10 THE COURT: But I think there does need
11 to be a foundation, some sort of foundation
12 placed if you're asking him beyond tell me
13 what you observed, did you think that she
14 was making this up, do you think this was
15 window dressing, do you think it was genuine
16 and on what do you base it. If you want to
17 get into that, I think you do need to lay
18 some foundation.

19 MR. BOLUS: Thank you, Judge.

20 Q. Have you had contact with many prisoners?

21 A. Yes, sir. For the last six years.

22 Q. And during your contacts with a lot of
23 prisoners who I assume some are charged with very
24 serious crimes such as Norma?

25 A. Yes, sir.

1 Q. Has all the prisoners expressed remorse for
2 their deeds to you?

3 A. No, sir. They have not.

4 Q. Have some been downright rebellious and
5 uppity and that type of attitude?

6 A. Yes, sir. Very arrogant.

7 Q. Arrogant?

8 A. Yes, sir.

9 Q. Did you get that feeling from Norma?

10 A. No, sir.

11 Q. Did she exude arrogance on her part?

12 A. Never.

13 Q. Did y'all talk about her relationship with
14 the Lord?

15 A. Yes, sir. We have.

16 Q. Has she expressed a need for forgiveness
17 from the Lord?

18 A. Yes, sir. We've prayed with her.

19 Q. When you pray with her do you hold her hands
20 and y'all commensurate in a ministerial fashion?

21 A. Because of certain things that I agree and
22 disagree with I allow my wife to touch her and
23 hold her hands and I lay my hands on my wife.

24 Q. Okay. You believe that it's basically --
25 and I've been to your church --

1 A. It's an honorable thing.

2 Q. Yes, sir. And your wife was with you on
3 these occasions?

4 A. On the one occasion that we were there
5 praying with her, yes, sir, she was. She's been
6 with me many occasions, but that particular
7 occasion, yes, sir.

8 Q. Okay. You had your wife lay hands on --
9 like on her shoulders or on her head?

10 A. I don't recall if it's shoulders, head, or
11 hands, I don't recall, but my wife was the one
12 that was physically in contact with her and I was
13 touching my wife.

14 Q. Okay. What is your feelings in terms of
15 punishment for Ms. Hall?

16 MR. BAILEY: Objection, Your Honor.

17 THE COURT: I'll sustain that.

18 Q. Would you ask the judge or this Court, are
19 you looking for some compassion?

20 A. Probably my greatest difficulty in life is
21 watching the officers do their jobs and then
22 trying to minister to the ones they incarcerate.
23 And when you try to bring justice and mercy
24 together, it can be cataclasmic in force. The
25 greatest place I've ever seen justice and mercy

1 come together it was truly cataclasmic, the earth
2 shook and the sky turned black and the sun
3 refused to shine and that was the day that Jesus
4 hung on the cross and cried it is finished. From
5 that point we all find ourselves guilty of
6 something, most of us guilty of things we would
7 never want anyone to know, so we all look for and
8 cry for mercy. Even in the most terrible of
9 cases we cry for mercy.

10 And so when I minister to someone I
11 minister with prayers of asking God for mercy.
12 And at the same time I struggle with the work
13 that our officers, our solicitors, and the judges
14 do must be a difficult job, one that I would not
15 want, much more difficult than mine.

16 Q. Thank you, sir.

17 A. But, yes, I ask for mercy.

18 Q. On Norma's behalf?

19 A. Yes, I do.

20 Q. Thank you, sir.

21 CROSS-EXAMINATION

22 BY MR. BAILEY:

23 Q. Mr. Shackelford, let me ask you a few
24 questions here.

25 A. Yes, sir.

1 Q. You're an employee of the sheriff's office;
2 is that correct?

3 A. Not a direct employee. I receive a small
4 stipend from the sheriff's department once a
5 month.

6 Q. You file a W2 on that?

7 A. Yes, sir. I do.

8 Q. All right. So you're an employee of the
9 sheriff's office?

10 A. Okay.

11 Q. And you have not been to the Criminal
12 Justice Academy?

13 A. No, sir.

14 Q. You're not a sworn law enforcement officer?

15 A. No, sir.

16 Q. You're a chaplain, but you carry a badge?

17 A. Yes, sir.

18 Q. Can I see your badge?

19 A. Yes, sir.

20 Q. Got a star like a deputy sheriff?

21 A. Yes, sir.

22 Q. Yes, sir. All right. Mr. Shackelford, this
23 is not the first time that you have come over to
24 this courtroom and testified on behalf of an
25 inmate who had been -- pled guilty to a serious

1 crime, is it?

2 A. That is correct, sir.

3 Q. One occasion, and you may remember the name
4 of it, you were over here with a convicted child
5 molester, is that right, asking for mercy?

6 A. I don't recall that, sir.

7 Q. You don't recall that?

8 A. But I would be happy to, if you could give
9 me a name, try to recall that.

10 Q. All right, sir. How many times have you
11 been over here testifying on behalf of people
12 that have pled guilty to major felonies asking
13 for mercy?

14 A. In this courtroom, sir, only twice have I
15 spoken for an inmate, this would be the second
16 time. I have been to Charleston County and
17 spoken for them there as well.

18 Q. Who was the first one that you -- the first
19 one -- this is number two or Dorchester County,
20 right?

21 A. Yes, sir.

22 Q. All right. Who was number one, do you
23 recall that person?

24 A. I can only tell you he was a black man
25 charged with murder.

1 Q. Okay. And you don't recall another occasion
2 where Harrison Bell of this office was
3 prosecuting someone who was a child molester and
4 you gave a -- you came here as a character
5 witness for him?

6 A. No, sir. I've been here for many of the
7 inmates, but never to testify on their behalf.
8 If you could recall that time I'd certainly be
9 willing to think about that. I don't recall any
10 other person here in this county.

11 Q. All right, sir.

12 MR. BAILEY: Your Honor, I have nothing
13 further of Mr. Shackelford at this time. I
14 may want to call him at some point later on
15 in the proceedings. Thank you.

16 THE COURT: Very well. Very well,
17 Mr. Bailey.

18 Anything further, Mr. Bolus, from
19 this witness at this time?

20 MR. BOLUS: No, ma'am. I would ask
21 that he be allowed to leave, but have
22 contact if Mr. Bailey wants him back rather
23 than stay around the whole day.

24 THE COURT: I think I would like him to
25 stay around because I don't want to wait if

1 he needs to be recalled.

2 Yes, sir, Mr. Bailey.

3 MR. BAILEY: I may be able to finish
4 with him now, if I could. I mean, if I
5 could continue cross-examination at this
6 point.

7 THE COURT: Certainly. Or you can
8 wait, Mr. Bailey, whichever is appropriate
9 for your needs.

10 BY MR. BAILEY:

11 Q. Mr. Shackelford, do you recall a serial
12 rapist over in the jail named Philip Therrien?

13 A. Yes, sir. I remember Philip.

14 Q. All right. Did you testify at a sentencing
15 hearing on his behalf?

16 A. I did not testify. I came in and sat beside
17 him and the judge was not happy with that and
18 asked me to leave from that point. I did not
19 speak on his behalf at that sentencing.

20 Q. Okay. But you came over here knowing he
21 was -- after -- was it during the trial or after
22 he was found guilty?

23 A. During the trial.

24 Q. After he was found guilty of rape?

25 A. No, sir. He had not been found guilty yet.

1 Q. All right, sir. So you came over here to
2 offer him aid and comfort; is that correct?

3 A. Yes, sir. I did.

4 Q. All right, sir. You knew he had prior
5 multiple convictions for rape; is that correct?

6 A. I knew that he had convictions for rape,
7 yes, sir, I did.

8 Q. Okay. So he was -- this case had not been
9 disposed of, but to your knowledge he had prior
10 rape convictions?

11 A. That is correct.

12 Q. And you were over here to offer this rapist
13 some aid and comfort?

14 A. Yes, sir. I did.

15 Q. All right, sir. And Mr. Therrien was
16 ultimately convicted of another rape, the same
17 rape that was being tried in this courtroom that
18 I prosecuted?

19 A. That is correct.

20 Q. All right. And he got life without parole
21 for that rape?

22 A. Yes, sir.

23 Q. All right, sir. You've never talked to Tom
24 Marshall about this case, have you, the case
25 officer?

1 A. No, sir. I have not.

2 Q. All right, sir.

3 A. I have talked to Tom Marshall.

4 Q. About this case you hadn't talked to him,
5 have you?

6 A. Briefly. Briefly the other day I asked him
7 if there was going to be a plea on Monday or -- I
8 believe it was Monday. And he told me he thought
9 there would be. And we had that conversation on
10 Monday, but details of the case we talked about
11 nothing.

12 Q. You didn't think it would be helpful to talk
13 to the case officer to get some insight into what
14 actually happened before you counseled with this
15 lady?

16 A. I seldom do that, sir.

17 Q. Thank you.

18 MR. BAILEY: That's all I have, Your
19 Honor.

20 THE COURT: All right.

21 MR. BOLUS: No questions.

22 THE COURT: No questions.

23 And at this time, Mr. Bailey,
24 would you wish this witness to remain,
25 or...?

1 MR. BAILEY: To leave, Your Honor.

2 THE COURT: To leave, very well.

3 MR. BAILEY: Yes, ma'am.

4 THE COURT: Very well. You are free to
5 go.

6 (Whereupon, the witness steps down from the
7 witness stand.)

8 MR. BOLUS: I had another short
9 witness.

10 THE COURT: Certainly.

11 MR. BOLUS: Cathy Jones.

12 THE COURT: All right.

13 (Catherine Jones, called as a witness,
14 having first been duly sworn, is examined
15 and testifies as follows:)

16 THE CLERK: Come on and have a seat,
17 please.

18 THE COURT: Please state your full name
19 for the record and spell your last name.

20 THE WITNESS: It's Catherine Jones,
21 J-o-n-e-s.

22 DIRECT EXAMINATION

23 BY MR. BOLUS:

24 Q. Ms. Jones, you live in Saddleback [sic]?

25 A. Saddlebrook.

1 Q. Saddlebrook Trailer Park Home?

2 A. Yes, sir.

3 Q. And on April the 6th, 2001 where were you?

4 A. Here in St. George, county jail.

5 Q. How long did you spend in jail?

6 A. Four months.

7 Q. What was the reason for that?

8 A. Child support.

9 Q. You were eventually able to pay it and get
10 out?

11 A. No. I served the sentence.

12 Q. Are you employed now?

13 A. Yes.

14 Q. What do you do now?

15 A. I'm a medical transcriptionist for a large
16 transcription firm.

17 Q. And you listen to doctors and then you type
18 it up?

19 A. Yes, sir.

20 Q. April the 6th you were in -- do you remember
21 April the 26th when Norma was brought in to the
22 county jail?

23 A. Yes, sir. First time I saw her was down in
24 the holding area. I had just come out of
25 visitation and she was down there and she looked

1 pretty ragged, disheveled, I mean just totally
2 out of it. And I actually didn't know what to
3 think when I first even heard about the case, but
4 when I saw her this compassion just came over me.
5 And she waved and I waved back and the next day
6 is when they brought her up.

7 Q. She looks a lot different today --

8 A. She looks great. She looks great.

9 Q. She was --

10 A. She looked really, really bad when she came
11 in, there's no doubt about it.

12 Q. Thin?

13 A. Thin, I mean just drawn, pale, covered with
14 scratches, bruises. It looked like she had been
15 through the wringer. I don't think I've ever met
16 anybody -- and I worked in a hospital, so she
17 looked really bad.

18 Q. For the next three and a half months you
19 were there until you were released?

20 A. Yes, sir.

21 Q. And how far down in your cell were you from
22 Ms. Hall?

23 A. Two.

24 Q. Two doors down?

25 A. At first four, and then I was two. And

1 Norma couldn't sleep at night and I couldn't
2 sleep at night, so I could hear Norma at night.

3 Q. What was going on at night?

4 A. She cried. She cried all the time. And I
5 mean all the time. She cried. She would get in
6 the shower and you could just hear her crying and
7 there was nothing anybody could really do to calm
8 her down. I mean, it was -- I just felt so, so
9 bad for her.

10 Q. Did she cry every night?

11 A. Every single night, every single day. Not
12 one day ever passed where this girl did not cry.

13 Q. And then eventually you were let out to go
14 back to your job?

15 A. Yes.

16 Q. And are you okay on your child support now?

17 A. Sort of. I was unemployed so I had to -- I
18 just got restarted.

19 Q. You're on track now to pay it?

20 A. I hope so.

21 Q. Is that the only reason you've been in jail?

22 A. Yeah. That's the only reason I was put in
23 jail.

24 Q. You don't have any other record that you
25 went to jail for or anything like that?

1 A. No, absolutely not. I was originally picked
2 up because I was driving without a license and no
3 insurance and I had this warrant, so....

4 Q. Family court warrant?

5 A. Yes. So that's why I was put over here.
6 And I so strongly believed in her remorse, I
7 would have never talked to the media or gone
8 public and exposed my family or kids to that
9 interview that I did knowing how strong --

10 Q. In other words --

11 A. No.

12 Q. -- how did that come about?

13 A. I read it on the internet. And I really
14 didn't know what was going on at the time, you
15 know, and I just could not stand back and just
16 see -- nobody saw what my side of it was. And I
17 wanted the public to realize, too, that sometimes
18 you can make judgment on people, but until you
19 really, really get to know them we just shouldn't
20 do it. I would have been -- on the outside, I
21 would have been the first to say, you know, fry
22 her. But after getting to know her and really
23 see who she is, it just totally, totally changed
24 me.

25 And there's just no doubt in my mind

1 that it wasn't intentional. I know I shouldn't
2 say that, but I just feel that way. And as far
3 as remorseful, yeah. I would have never gone
4 public. I mean, I had to answer to my children
5 later on, like, Mom, what were you doing, you
6 know. And I hope that my kids would do the same
7 thing.

8 Q. Thank you very much. Answer any questions
9 the solicitor has.

10 MR. BAILEY: Thank you, Your Honor.

11 THE COURT: Yes, sir.

12 Cross-examination.

13 CROSS-EXAMINATION

14 BY MR. BAILEY:

15 Q. Ms. Jones, when Ms. Hall would get upset you
16 would try to comfort her?

17 A. I wasn't real good at it. She had to
18 comfort me.

19 Q. Okay. Well, she would get so upset that it
20 would get you upset, you all would comfort each
21 other?

22 A. Yeah.

23 Q. Did she tell you that she had killed her
24 child and that's why she was upset?

25 A. No.

1 Q. She never admitted to you she killed her
2 child?

3 A. No.

4 Q. Thank you, ma'am. That's all I have.

5 THE COURT: All right. Anything
6 further, Mr. Bolus?

7 MR. BOLUS: No, ma'am.

8 THE COURT: All right. You may come
9 down.

10 THE WITNESS: Thank you.
11 (Whereupon, the witness steps down from the
12 witness stand.)

13 MR. BOLUS: Could we approach?
14 (Whereupon, a bench conference was held off
15 the record.

16 THE COURT: All right. We are going to
17 take a five-minute break.
18 (Recess, from 11:52 a.m. to 11:59 a.m.)

19 THE COURT: Yes, sir.

20 MR. BOLUS: Your Honor, I appreciate
21 the solicitor allowing me to go out of order
22 again. I would like to call Dr. Donna
23 Schwartz-Watts.

24 THE COURT: All right.

25 THE CLERK: Would you give us your full

1 name, please?

2 THE WITNESS: Donna Marie

3 Schwartz-Watts, S-c-h-w-a-r-t-z-W-a-t-t-s.

4 (Donna M. Schwartz-Watts, called as a
5 witness, having first been duly sworn, is
6 examined and testifies as follows:)

7 THE COURT: Once you are seated and the
8 microphone is in place, if you would just
9 again state your full name for the record.
10 And you've already spelled it.

11 THE WITNESS: Certainly. Donna Marie
12 Schwartz-Watts.

13 THE COURT: Your witness.

14 MR. BOLUS: I would like the court
15 reporter to mark the Hall Institute
16 evaluation as Defendant's 4, I believe. We
17 already have it in as a Court's Exhibit, do
18 we just want to change that to Defendant's
19 Exhibit, or just leave it as a Court's
20 Exhibit?

21 THE COURT: You can place another
22 sticker on it or enter another one, but I do
23 think that we need to have one as the
24 Court's Exhibit, so I think the sticker
25 needs to remain. I think there's no problem

1 if it's double identified.

2 MR. BOLUS: Okay. All right.

3 MR. BAILEY: Your Honor, I stipulate
4 Dr. Schwartz-Watts' qualifications as an
5 expert in the field of psychiatry.

6 THE COURT: Will that suffice?

7 MR. BOLUS: Yes. She does a lot of
8 evaluations for competency to be, you know,
9 executed and things like that and she's well
10 known throughout the state. And I
11 appreciate that so I don't have to go
12 through that.

13 THE COURT: I certainly am aware of
14 Dr. Schwartz-Watts' qualifications.

15 MR. BOLUS: Thank you. Appreciate it.

16 THE COURT: Yes.

17 (Entered into evidence was Defendant's
18 Exhibit 4, report of findings.)

19 DIRECT EXAMINATION

20 BY MR. BOLUS:

21 Q. Dr. Watts, how did you first come in contact
22 with this case and with Ms. Hall?

23 A. I believe you telephoned our office and my
24 secretary notified me. I called you back and
25 then you sent a retainer and various

1 correspondence and letters until I evaluated
2 Ms. Hall in January of this past year.

3 Q. Okay. You are retained and have been paid
4 by me to be an expert witness?

5 A. That's correct.

6 Q. You do other things, I assume, by
7 appointment through the State of South Carolina?

8 A. Yes. If I can explain my fee structure.
9 I'm on a regular salary just as the Hall
10 Institute doctors, and the retainers that I'm
11 given actually go to the Department of
12 Neuropsychiatry where I direct forensic service
13 there, so USC is actually paid for my testimony.

14 Q. Okay. And when did you first meet Norma?

15 A. In January of 2002.

16 Q. And where was that at?

17 A. At the Dorchester County Detention Center.

18 Q. Okay. And how long did you spend with her?

19 A. Approximately three hours.

20 Q. Okay. And have you seen her on other
21 occasions, like at court that we've had last week
22 and today and that type of thing?

23 A. Yes. I evaluated her prior to that
24 attempted plea last week and also afterwards for
25 about another hour total.

1 Q. And have I not sent you essentially most of
2 the relevant, I assume all the relevant police
3 reports, witness statements, client statements,
4 medical reports, and things like that?

5 A. Numerous, numerous documents.

6 Q. And you are in possession of certain reports
7 from other doctors, I believe Dr. Howell who
8 treated her at one time?

9 A. Yes. I have her medical records. She
10 was -- Dr. Howell treated her for weight loss and
11 various other conditions and I had his medical
12 records as well.

13 Q. Okay. And Defendant's Exhibit 4 and Court's
14 Exhibit 1 is the Hall Institute evaluation of
15 mental competency?

16 A. Yes. I reviewed that as well and also have
17 spoken with Dr. Milikian and Dr. Music.

18 Q. Okay. And tell us in your opinion what does
19 this mean, she's competent to stand trial,
20 competent to plea, but it looks like the
21 evaluation was amphetamine-induced psychosis,
22 amphetamine dependance. What does that mean?

23 A. If I could state for the record, I agree
24 wholeheartedly with that diagnosis. What happens
25 in psychiatry, we have the Diagnostic and

1 Statistical Manual which is a classification
2 system for diagnosing mental disorders, and
3 there's five different axes. And axes I is for
4 major mental disorders or conditions so severe
5 that anyone would experience mental suffering, so
6 to speak, from an experience. For example, if
7 someone's spouse were to die one would expect
8 someone to have problems sleeping and that sort
9 of thing. So it addresses even conditions that
10 affect anyone.

11 But in Ms. Hall's case she does have
12 what's called an axes I diagnosis which is a
13 major mental illness or condition needing
14 treatment. In that case it was bifold. First of
15 all, she does suffer from amphetamine dependance.
16 And I must say in my history of evaluating people
17 Ms. Hall has the most sever form of amphetamine
18 dependance I have seen to this date.

19 I talked with her ex-husband,
20 Mr. Patrick, I've spoken with Ms. Hall, I've done
21 a lot of research in terms of amphetamine
22 dependance and that sort of thing. There was a
23 period of time back in 1995 where Ms. Hall, her
24 ex-husband reported to me she did over 180 hits,
25 he called them hits, of Didrex, which was an

1 amphetamine she was prescribed by Dr. Howell for
2 weight loss over a weekend period of time.

3 Q. How many?

4 A. 180 hits of this amphetamine, a prescribed
5 amphetamine. And that's not inconsistent in
6 reviewing all of the literature and trying to do
7 research on this area. People that have
8 amphetamine dependance they often binge, which
9 would be characterized of Ms. Hall's substance
10 abuse. She had periods of where she would use
11 quite heavily and then abstain for periods of
12 time.

13 It looks like in her history 1995 was
14 the most severe form of her substance dependance,
15 but in -- before this crime, I believe she stated
16 in February she reports that her use began to
17 increase again.

18 Now, Ms. Hall reported to me that on
19 the Tuesday before her child was found dead that
20 she had done what's called an eight ball of
21 crank. What that is, that's the equivalent of
22 3.5 grams of amphetamine. And I calculated that,
23 that would be the equivalent of 24 1/2 hits of
24 speed.

25 She also stated that on that Thursday

1 she did another eight ball which was another
2 3.5 grams. So I've been able to calculate over
3 that period of time she would have done the
4 equivalent of 49 hits of speed, so to speak,
5 during that period of time.

6 Q. When you do that, do you go to sleep and
7 have nice dreams? What happens, the effect on a
8 person when they're doing crank?

9 A. Well, there's three different kinds of
10 effects to classify it. First of all, you have
11 the intoxication period where someone is
12 extremely irritable, full of energy, sometimes
13 briefly euphoric, restless, has insomnia, lots of
14 energy as you can imagine, and increased goal
15 directed activity. But depending upon how much
16 you use and over the period of time you can also
17 have periods of confusion, periods of agitation.
18 The rates of violence associated with amphetamine
19 dependance are four times greater than that of
20 someone who does not use these drugs.

21 There's been some Canadian studies that
22 tried to look at aggressiveness when associated
23 with amphetamine dependance.

24 Q. Is this commonly known as like motorcycle
25 gangs, drug of choice, crank, that type of stuff?

1 A. Actually that's correct. The most crack use
2 is in California certainly, but it's certainly --
3 the literature confirms that it's associated with
4 a drug of choice for motorcycle gangs.

5 Q. I'm not talking about what anybody rides,
6 but it is a drug of choice of people that commit
7 violent crimes and do crazy things?

8 A. No. There are many drugs associated with
9 that, but the take-home point is the rates of
10 violence in people that are using amphetamines
11 and intoxicated with them are four times over
12 what the baseline would be.

13 Q. Okay. It just lowers your threshold for
14 patience and increase for level of irritability,
15 or what?

16 A. Irritability, confusion. Even medically
17 there's so many things that happen to the body,
18 the heart rate increases, one perspires, one's
19 thinking can certainly become disjointed and
20 confused. So in terms of understanding why
21 people become aggressive it's most likely related
22 to the mood and then behavioral changes
23 associated with the drug.

24 Q. Are delusions of grandeur part of the
25 psychosis here as part of the syndrome?

1 A. Well, that's a little bit different.
2 There's a period of intoxication. There's also a
3 period of withdrawal which has very marked and
4 consistent symptoms, that would be severe
5 depression, sleeping for long, long periods of
6 time because the body basically is trying to heal
7 and make up for the sleep its lost. Also periods
8 of increased appetite associated with coming off
9 of the drug. It's called a crash where one just
10 feels terrible and usually can sleep that period
11 off.

12 Then in Ms. Hall's case she has a
13 complication, one can become psychotic over
14 long-term use with this drug. And she clearly,
15 the Hall records confirm that and reviewing all
16 of the incident reports and statements regarding
17 her reports how she was doing at that time,
18 they're all consistent with somebody that was
19 psychotic from this drug. And that can be a
20 long-term effect. It's important to know she is
21 no longer psychotic, she is completely recovered.
22 She did not have a permanent psychosis.

23 Also to note it can cause brain damage
24 over long periods of time. And Dr. Music at Hall
25 Institute gave her some screening and there's no

1 evidence from his report, not only his report,
2 but also talking with him that she has any
3 permanent brain damage from that drug use.

4 Q. Okay. If there is any history of, let's
5 say, battered wife syndrome or spousal abuse,
6 what's the overlay when you combine that with
7 methamphetamine abuse, what happens here?

8 A. To put that together in terms of comparing
9 that to violence I don't think anyone can do
10 that. I think what the issue is, is people that
11 have been abused are going to minimize things,
12 they're not -- they tend to use denial more, they
13 become extremely dependent. So that relates more
14 to probably how Ms. Hall functions in terms of
15 her personality.

16 Where that's going to be important is
17 in her treatment. She's -- not using psychiatric
18 terms, but she's a mess. She has some
19 significant personality traits, she's very
20 dependent. Examples I can give is in court this
21 morning when I talked with her briefly just to be
22 sure that she remain confident she hugged me and
23 told me she loved me, yet I've seen her on two
24 occasions in evaluating her. She's an extremely
25 touchy person, you will often see her hugging

1 people that basically are strangers to her in
2 some way, shape, or form.

3 So she's got personality traits that
4 are going to be an issue in terms of treatment
5 that she would need, then on top of that with her
6 substance abuse, with her substance dependance
7 and then her one time psychosis, she's just a
8 very complicated individual.

9 And so your question about battered
10 wife, she's so complicated it's hard to in black
11 and white delineate those things, but it's
12 certainly going to be a treatment issue with her.

13 Q. Doctor, did you read the police reports and
14 the statements, the statements made by my client
15 to the police?

16 A. Yes.

17 Q. And you understand that to some extent, or
18 depends on which side of the aisle you're on, it
19 looks to be either some major contradictions or
20 outright fabrications. How would her condition
21 affect or be the reason for those kind of
22 statements? Because it looks like to me there's
23 jumbled up statements, you know, what would you
24 say about that in regard to her condition?

25 A. I think the best way to consider that is it

1 would be similar to someone that presents in the
2 ER with a fever. When you're in the state of
3 delirium there's going to be confusion. And I
4 think in my opinion any attempts to get a clear
5 account from her of what happened are futile,
6 it's just not going to happen. With the
7 intoxication you have confusion, with the
8 withdrawal you can have confusion, and then on
9 top of that she had a temporary complication of
10 being psychotic.

11 And so it's not uncommon in people that
12 are psychotic later when they try to recount
13 details, whether it be in a temporal fashion or
14 what actually happened, they're not able to do
15 that. And so the fact that they're confusing
16 accounts are not a red flag to me at all.

17 I was present for Mr. Bailey's
18 presentation last week, I think it's clear there
19 are times in her statements where she did
20 deliberately mislead the detectives talking with
21 her about the hotel, that she stayed in a hotel
22 when in fact she was by her father's graveside on
23 that evening. But in terms of her giving
24 different stories such as she had a laser site on
25 her while in the woods, or that someone kidnapped

1 her child and that sort of thing, those are
2 delusions of persecution, which certainly would
3 have been consistent with the psychosis that she
4 had from the amphetamines.

5 Q. What you're saying is later fabrications
6 might not be related to what she thought she was
7 experiencing at the time of the incident?

8 A. That's correct.

9 Q. And at the time of the incident she reports
10 people chasing her, shooting at her, things like
11 that. Is that part of her psychosis?

12 A. Absolutely. And those symptoms were even
13 present before this event. In talking with her
14 and getting a history from her and also some of
15 her family members that confirm that, even as
16 early as July of last year she was reporting some
17 symptoms similar to that.

18 She had reported that she had seen
19 things written on the bathroom wall, she stated
20 that she had cut her husband's shirt because she
21 saw writing on his shirt. She stated on her
22 driver's license she saw "baby and Norma will
23 die," that there were various themes even before
24 this event where she was becoming psychotic.

25 Q. Okay. She should have had treatment long

1 before this incident?

2 A. Oh, clearly. But, again, the problem with
3 amphetamine dependance is this drug is so much
4 more harder to treat when people are addicted to
5 this drug than even cocaine because it's so much
6 more readily available. If you don't get it off
7 the street you can get it through prescriptions,
8 physicians. Amphetamines are so prevalent.
9 They're used to treat sleep disorders, they're
10 used to treat attention deficit disorder, so
11 access to the drug is incredibly wide. In
12 comparison to some other drugs it's not as
13 expensive, it's readily available in the
14 community and it's very addictive.

15 Q. Okay.

16 MR. BOLUS: Judge, I would like to mark
17 a search warrant information and return on
18 an inventory. Mr. Bailey and I have agreed
19 this can come in. I think I had unsigned
20 copies, I could never secure the originals,
21 but he had no problem with the unsigned
22 copies being --

23 MR. BAILEY: No objection, Your Honor.

24 THE COURT: Very well. And that will
25 be entered as Defendant's Exhibit 5?

1 MR. BOLUS: Five.

2 THE COURT: Five, all right.

3 (Entered into evidence was Defendant's
4 Exhibit 5, search warrant and return.)

5 MR. BOLUS: Can I approach and give
6 her --

7 THE COURT: You may.

8 Q. Briefly look at those two documents.

9 A. Yes. I've reviewed this and I'm familiar
10 with it.

11 Q. Doctor, some people would might think it
12 strange if a person's going to do something to
13 their baby either deliberately or however, or
14 with reckless indifference that the items that
15 are contained on these search warrants returns
16 are for the most part things that relate to
17 taking care of a baby. You got formula, you got
18 diapers, you got toys, various baby shoes,
19 pajamas, white baby socks, it's all kinds of
20 stuff that looks like she was running a nursery
21 out of her automobile. Is there a contradiction
22 here, or is this something to do with her
23 condition?

24 A. I'm not sure what your question is. To me
25 in reviewing these what's significant is that it

1 was obvious she had things available and to take
2 care of her child, but also I think what's
3 noticeable here is the confusion. It sounds like
4 if these were the items taken from her car, the
5 car sounds like it was just full of items and all
6 sorts of things. But they were mainly baby
7 items, I think that's fair to say.

8 Q. Would it be fair to say that it exhibits
9 someone that is planning for the needs of their
10 child?

11 A. It certainly shows that the items that she
12 had in there gave her the ability to take care of
13 the child and there were formula and that sort of
14 thing, so anticipating the needs of the child,
15 sure.

16 Q. Okay. And there was toy animals, baby
17 mirrors, plastic baby toys, things like that in
18 the return on the search warrant?

19 A. Yes.

20 Q. Okay.

21 A. Just to add also -- just I think it also
22 represents some of the confusion. There's false
23 fingernails in there, liquor, makeup, just a
24 myriad of things in the car, but mainly items to
25 take care of the baby.

1 Q. All right. There was a clear plastic baby
2 bottle nipple?

3 A. Yes.

4 Q. That's on there. Then she has all kind of
5 other things. Is this -- I don't know how many
6 other people's cars look like this, but you made
7 the statement it shows some confusion on her
8 part?

9 A. In my opinion it just shows that there's
10 just a lot of things in the car, but there's
11 certainly -- I mean, it just sounds like it's a
12 mess. I didn't see the car, but there was just
13 so many items in there, there's -- but I think
14 the bottom line is it certainly shows that she
15 had items available and was planning to care for
16 her child. Again, I can't talk about what she
17 was planning or not planning to do before this
18 event happened, but there were certainly enough
19 items there that would indicate that she was
20 caring for her child.

21 Q. Okay.

22 A. Now, whether she actually used them or not
23 is another issue, but there's certainly items
24 there that indicate that.

25 Q. In terms of her condition and being out in

1 the woods that weekend, do you have any opinion
2 as to what her state of mind would have been?

3 A. Absolutely. I think it's clear from the
4 records, clear from the Hall report, clear from
5 talking to her she was psychotic. Now, it's not
6 a permanent psychosis and it was a psychosis
7 induced from her substance dependence, but she
8 was clearly psychotic.

9 Q. I looked up in the *Webster's Dictionary*
10 psychotic, to lose contact with reality. Is that
11 a simpleton's, layman's idea of what psychosis
12 is, to just lose contact with all of reality, or
13 part of reality?

14 A. She had two significant symptoms of
15 psychosis, the first was hallucinations, where
16 she believed she saw a laser sight placed on her,
17 or where she believed she saw people in
18 camouflage, she was hearing things. She states
19 on the first night, and, again, I don't take
20 into -- I don't give account to the order of
21 events in which she places them because of her
22 state, I don't think that's possible to do that,
23 but she states on one occasion that she went out
24 to use the bathroom and thought there was a black
25 panther outside of the car.

1 So she's hallucinating, number one,
2 seeing things and hearing things that are indeed
3 not there. And secondly she began to have what's
4 called delusional, and those were fixed, false
5 beliefs where she believed she was being
6 persecuted, that people were indeed trying to
7 kill her.

8 Looking at the pictures of her body is
9 certainly consistent with someone that was in
10 panic, running for her life, getting scratched,
11 falling and that sort of thing. So even the
12 pictures of her physically when she was arrested
13 would be consistent with some of the accounts
14 that are written about her from her statements.
15 Q. Is being -- don't take this wrong, but being
16 thin or too thin, is that a sign of possible
17 crank abuse compared to like her gaining
18 50 pounds in the county jail, I mean does that
19 tie into her use of crank?

20 A. Yes. Not only that, but also the decay of
21 her teeth. She has a couple of physical symptoms
22 that show from the chronic abuse. Even she's
23 gotten to the point where she was so malnourished
24 that her teeth began to decay as well.

25 Q. Okay. The loss of body vigor, does that

1 interplay with the mind's actions, does the body
2 affect the mind or vice-versa that go together
3 when you're on this stuff?

4 A. Certainly. But the main thing that you see
5 in this level of psychosis, we have a chemical in
6 our brain called dopamine, and as I talked with
7 Mr. Bailey earlier this week, if we went five
8 nights without sleeping our dopamine level would
9 be so high we may indeed hallucinate or begin to
10 become paranoid or believe things that are not
11 true, but after sleeping that dopamine level
12 would go back down to a normal level where your
13 mental state would return to normal.

14 What the amphetamines do is increase
15 that level beyond what sleep is able to restore,
16 in that she had an impairment in that level and
17 it is high for a number of days. And there's
18 some people that become amphetamine dependent
19 that their psychosis never goes away, but she's
20 very fortunate in that respect.

21 Q. If the baby died on a Sunday morning and she
22 was still psychotic on methamphetamines, would we
23 realistically medically expect her to be, quote,
24 not only out of the woods physically, but out of
25 the woods mentally on Monday morning or Tuesday

1 morning?

2 A. No, not at all. And even I believe the drug
3 screen on the 24th of April was still positive
4 for amphetamines, so she still even had them in
5 her system at that point. We don't know a lot
6 about rates of amphetamine metabolism, they vary
7 from people to people depending on how
8 chronically you use and that sort of thing, but
9 we do know from the drug screen that was taken
10 that even on the 24th she continued to have them
11 in her system.

12 MR. BOLUS: Mark this as Number 6.

13 Judge, I offer the witness Defendant's
14 Exhibit 6 into evidence. No objection, I
15 believe, from the State.

16 MR. BAILEY: No objection, Your Honor.

17 THE COURT: All right. Defendant's
18 Exhibit 6 into evidence without objection.

19 (Entered into evidence was Defendant's
20 Exhibit 6, lab report.)

21 BY MR. BOLUS:

22 Q. It's a letter from a law firm that
23 represents Trident Systems -- Columbia Trident,
24 but the very last page is a drug profile.

25 A. Yes, I'm familiar with this.

1 Q. And that is taken -- the drug profile looks
2 like it was taken April 24th?

3 A. That's correct.

4 Q. And what does it reflect?

5 A. That her drug screen is positive for
6 amphetamines.

7 Q. Okay. And if she had taken two eight balls
8 within a four, five-day period, did she express
9 to you if she had gone to sleep or slept well, or
10 stayed up all that week, or what did you learn?

11 A. I'm aware of her sleep patterns. She
12 reports on that Tuesday evening prior to the
13 death of her son she did not sleep, the Wednesday
14 evening prior to the death of her son she did not
15 sleep, on Thursday she slept from 4:00 a.m. to
16 11:30 a.m., so she would have had about seven
17 hours of sleep on that Thursday.

18 She reports sleeping for a very brief
19 time on Friday by her father's graveside, she
20 reports about a one-and-a-half or two-hour period
21 of sleep on Saturday. And that's the last of the
22 sleep she reported to me that she's aware of or
23 able to give any kind of history.

24 Q. Given the amount of drugs she took, is that
25 sleep appropriate or totally inadequate to

1 maintain your mental faculties in a normal plane?

2 A. That's not nearly enough.

3 Q. In terms of her stories she told the police,
4 and let's assume that some of them were
5 fabrications, and some of it was not
6 fabrications, but at some point did she come to
7 her senses?

8 A. Yes. She does report that, but I also must
9 add that in reviewing the research that even her
10 reports are consistent with someone withdrawing
11 from amphetamines. She reported to me that I
12 believe the Thursday evening following the death
13 of her son that she had a dream that evening and
14 was -- and began to come to her senses. But in
15 reviewing the literature in the Diagnostic and
16 Statistical Manual, the dreams are also very
17 significant in terms of withdrawing from
18 amphetamines and so it's not uncommon to not know
19 if the dreams are real or not. She reported to
20 me that on that Thursday evening she thought she
21 had had a dream and at that point she began to
22 become more aware of what had happened.

23 Q. This would have been the Thursday after the
24 Sunday of her child's death?

25 A. That is correct.

1 Q. That would be the Thursday where she finally
2 in her interviews and all that, came forward with
3 the fact that her baby had died, thought the baby
4 had smothered and she had covered up the baby?

5 A. That's correct.

6 Q. Okay. So at that point in time, Thursday,
7 three or four days after the incident, you would
8 opine that she was coming to her senses?

9 A. Yes. And still not there. And, again, the
10 research shows it takes up to six months
11 sometimes for someone to fully come to awareness,
12 but, yes, I think that's clear to say from her
13 report that her sensorium began to clear.

14 Q. Her frame of mind during this period of time
15 out in the woods is -- when you're doing that
16 much crank, in your experience and the literature
17 that you've read, do the people that are
18 experiencing these hallucinations, they actually
19 believe that they're occurring?

20 A. Absolutely. Absolutely. And, again, to
21 add, during this period of time she continued to
22 use crank while she was in the woods. She told
23 me of one occasion she remembered running almost
24 nude and that the only thing she had with her in
25 her hand was her vile of crank, and that she had

1 fallen asleep in the sun for a few hours and woke
2 up and took another hit.

3 Q. Really?

4 A. Yes.

5 Q. Doctor, obviously in this case putting the
6 baby under leaves, and I think the baby was
7 wrapped up in a jacket or something, had some
8 protection, what does that tell you about Norma's
9 state of mind?

10 A. I can't say. Again, to even try to assign
11 anything rational to her state of mind, she was
12 psychotic. And her reports are that she was
13 being chased after, threatened, she thought she
14 was in fear of her life. And she's not able to
15 recall a lot of those details, so for me it
16 indicates it could be a number of things. Is she
17 covering up the child? Is she protecting the
18 child? I don't think it's fair to the Court to
19 give a -- I can't assign a rational reason to
20 that.

21 Q. The range could be outright a conscious
22 hiding of the child all the way to not even
23 knowing what she had done?

24 A. That's correct.

25 Q. That's the total range here?

1 A. That's fair to say.

2 Q. Okay. Do you have anything else to add,
3 Doctor?

4 A. Yes, just one thing for the judge. I've
5 studied, we had a lot of these cases called
6 filicide and I looked through my own files and I
7 think I've done about nine of these cases now,
8 and the literature shows it mainly comes out of
9 Canada that about 85 percent of these moms are
10 psychotic, they are very ill when children are
11 killed. The number one cause of death of the
12 children is usually drowning, and that it's very
13 significant. Depression is often a common
14 symptom, or mental illness associated with that
15 and in some cases psychosis. And there's been a
16 number, even unfortunately in this area, of cases
17 where the moms have killed their children, so
18 just to realize that the majority of these women
19 are mentally ill.

20 Q. Answer any questions the solicitor has.

21 THE COURT: Cross-examination.

22 MR. BAILEY: Yes, ma'am.

23 CROSS-EXAMINATION

24 BY MR. BAILEY:

25 Q. The more information you get from the

1 patient or from outside sources, the better
2 position you're in to evaluate what the situation
3 is; would that be a fair statement?

4 A. Always, yes, sir.

5 Q. All right, ma'am. And Mr. Bolus asked you
6 about different items that you had been asked to
7 review. And did you review everything that the
8 Hall Institute reviewed?

9 A. I believe so. I tried to cross-check and I
10 think I did, Mr. Bailey.

11 Q. All right. I figured you would. And did
12 those include the two written statements that
13 Ms. Hall gave to law enforcement, one on the 25th
14 and one on the 26th?

15 A. Yes.

16 Q. And there was also a lengthy taped
17 interview. Did you have access to that?

18 A. Yes, I did.

19 Q. Or any portion of the taped interview?

20 A. The length of the tape, I'm not sure if mine
21 was as long, but I certainly reviewed a videotape
22 of her talking with the detectives and, so to
23 speak, giving a confession.

24 Q. All right. Since we're dealing with
25 methamphetamine and this psychosis, that was the

1 main thrust is to try to find out as much as you
2 could about how much she had had on that occasion
3 as well as on previous occasions to see the
4 extent of her problem with methamphetamines?

5 A. Certainly.

6 Q. And when did that start, when did her
7 methamphetamine abuse start based on what you
8 gathered in your research and all?

9 A. Her methamphetamine abuse has been going on
10 well over 20 years, and according to the
11 information I've been able to obtain well into
12 the '80s. And she was getting prescription drugs
13 from her doctor to support this habit as well,
14 she had friends getting these drugs for her on
15 times when they weren't prescribed, but it got
16 worse. I think it's fair to say the worst period
17 in her history would have been around 1995. At
18 that point in June her father had died, she had
19 her daughter, Caroline, that November and then
20 her ex-husband reports she lost her job. She
21 worked with Century 21 as some form of Realtor
22 and that she was fired from her job and her
23 ex-husband stated from that time on she was never
24 really the same.

25 Q. Okay. So June of 1995 would have been the

1 low point as far as the extent of her
2 methamphetamine abuse?

3 A. As far as the history I've gathered,
4 Mr. Bailey, that's fair to say.

5 Q. Okay. And at that time how much was she
6 taking, how much, what quantity of
7 methamphetamines, June of '95?

8 A. In June of '95 I don't think she was using
9 at that time, she was still pregnant. She began
10 with her daughter, she began the heavy use in
11 November of '95 basically right after her second
12 child was born. She did admit that I think she
13 had one -- she had used some during that
14 pregnancy, but not -- certainly just a few hits,
15 nothing compared to what she had done after her
16 child was born.

17 Q. Okay. She admitted to you that her child
18 who in 1998 was two years old, that in 1995 while
19 she was pregnant with Allison Caroline Patrick
20 she used methamphetamines during her pregnancy?

21 A. Yes, she did. And she also stated she had a
22 positive urine drug screen as well at that time
23 as well, she admitted that.

24 Q. Okay. This is not a stupid woman, is she?

25 A. No, not at all.

1 Q. She's an intelligent woman?

2 A. She's certainly of average intelligence.

3 And even given the amount of drugs she's done
4 she's very fortunate not to have brain damage,
5 but she's by no means -- she's quite intelligent.

6 Q. She's intelligent enough to know that it's
7 not good for a fetus if the mother's on drugs
8 while you're pregnant?

9 A. That's correct.

10 Q. And nobody force fed the methamphetamine to
11 her at any point, did they?

12 A. No.

13 Q. Whatever she took throughout that 20-year
14 period she took voluntarily of her own freewill
15 and accord?

16 A. Certainly. And, again, that's just a credit
17 to the power of that addiction, that one's own
18 health is at stake and even sometimes the risk of
19 harming a child.

20 Q. Knowing that she could be harming that
21 fetus, I'm not talking about VICTIM. I'm talking
22 about her daughter, knowing that that could harm
23 her fetus, do you have any information that at
24 any point in time she ever sought any help for
25 this drug problem?

1 A. Not that I'm aware of.

2 Q. That she ever went to mental health, or
3 went -- did anything at all to help herself get
4 rid of this drug problem?

5 A. To a degree, yes. The records from
6 Dr. Howell show he had also been prescribing her
7 Valium. And we also know these records were
8 requested, but not obtained, after the birth of
9 her second child she was briefly placed on Paxil,
10 which is an antidepressant by her obstetrician.
11 So in those records at some point she must have
12 been letting the doctors know about her mental
13 state, but in terms of being honest saying I have
14 an amphetamine addiction and I need treatment
15 there's no records or her report wouldn't
16 indicate that.

17 Q. All you know is she was depressed and got on
18 an additional drug to deal with the depression?

19 A. An antidepressant. And then, yes, she was
20 also on Valium throughout the years which is a
21 sedative for anxiety.

22 Q. She was getting on to stuff and not getting
23 off the methamphetamines?

24 A. That would be correct.

25 Q. All right. Now, did they make available to

1 you the family court record as a result of the
2 first marriage? When you talked to her first
3 husband, did he discuss the divorce and the
4 custody of the two children?

5 A. He discussed that, but I didn't see the
6 family court records, but I did have I believe
7 about a .45-minute talk with him on the telephone.

8 Q. And you relied in part on what Mr. Patrick
9 told you to formulate your opinions here; is that
10 correct?

11 A. Yes.

12 Q. Did he tell you that 1998 he sued her for
13 divorce?

14 A. Yes.

15 Q. Had to sue her by publication because he
16 didn't know where she was?

17 A. No, I was not aware of that.

18 Q. He didn't tell you that, okay.

19 Did he tell you that he got custody of
20 the children?

21 A. Yes.

22 Q. Did he tell you how frequent or infrequent
23 her contact with her two-year-old daughter and
24 her son was after the divorce in 1998?

25 A. What he did state to me is that he felt that

1 Ms. Hall never really bonded to her second child.
2 And he, again, he attributed that to the death of
3 her father, that the abuse, he was very well
4 aware of her amphetamine abuse and also the loss
5 of her job. He stated the relationship with her
6 older son was good, but that she and Caroline,
7 her daughter, had never really bonded.

8 Q. She never bonded with her infant daughter?

9 A. Not never bonded, but it wasn't the same
10 amount of bonding as with her first child.

11 Q. Did he say what she did or didn't do to lead
12 him to the realization that she never bonded with
13 her daughter?

14 A. I'm not aware of that.

15 Q. Okay. All right. And to get back to the
16 question I think I asked you a minute ago, did he
17 tell you how frequent her contact was with the
18 children after he obtained custody in 1998?

19 A. No, but I have a recollection it wasn't very
20 often. I don't want to speculate, but it was
21 not -- certainly not every week.

22 Q. Okay. Would it be fair to -- if we assumed
23 that she was served by publication, she did not
24 contest custody of the children in going to her
25 husband and that she had very infrequent contact

1 with the two children, one of whom she didn't
2 bond with, that she basically had abandoned those
3 two children?

4 A. I don't know if I can answer that. She
5 certainly wasn't as close with them as she used
6 to be and she certainly -- her husband did report
7 that when she came she was wonderful with them,
8 she would spend the night sometimes even within
9 their home.

10 Q. With her son?

11 A. Yes, that's correct.

12 He stated that she tried to have a
13 relationship with Caroline, but in his opinion
14 from those early years of -- the lack of the
15 bonding has impaired that.

16 Q. How old was Caroline when she tried, but
17 failed to establish a relationship with her?

18 A. After the age of two.

19 Q. After two.

20 Now, Mr. Bolus asked you about the
21 different items to care for the child found in
22 her car and he showed you an inventory. Did you
23 review any of the photographs of items that were
24 in the car?

25 A. No.

1 Q. In looking at that search warrant report
2 there's an open partially consumed bottle of Wild
3 Turkey?

4 A. Yes, I saw that.

5 Q. I'm not trying to be smart, but obviously
6 that's not for the child?

7 A. Not at all.

8 Q. You assume that was for her?

9 A. That's correct.

10 Q. And how about a roach clip?

11 A. Yes.

12 Q. Okay. And a marijuana roach?

13 A. Yes.

14 Q. Okay.

15 A. I would presume, it says green plant
16 material, if that were tested, but I presume that
17 was marijuana as well.

18 Q. Okay. When Ms. Hall was pregnant with
19 VICTIM, did you ask whether or not she was taking
20 amphetamines at that time?

21 A. Yes, I did.

22 Q. Okay. What did she tell you?

23 A. She denies it.

24 Q. Okay.

25 A. She denies that she used while she was

1 pregnant with her son.

2 Q. Okay. Assuming that she was being honest
3 with you and denying use of methamphetamines for
4 a period of nine months while she was pregnant,
5 that would indicate, would it not, that she had
6 the ability despite her long-term use to quit
7 when she wanted to quit?

8 A. I think it would indicate there's some
9 control. Now, keeping in mind the normal course
10 of amphetamine dependence is that people will go
11 on binges and it's not uncommon to use for a
12 period of time and then become abstinent for a
13 period of time. And she clearly did. If she
14 indeed was abstinent she had that ability at that
15 point. What Ms. Hall relates as she began to
16 have marital problems with her second husband,
17 that's what she associates with her increased
18 amphetamine dependence at the period of time from
19 the summer on.

20 Q. Okay. Did she ever correlate any
21 allegations of physical abuse by her present
22 husband, Randall Hall, with VICTIM 's death?

23 A. No. She equates the physical abuse
24 certainly with her amphetamine dependence, but,
25 no, never directly to me.

1 Q. She never connected VICTIM 's death with any
2 alleged act, spousal abuse by her husband; is
3 that correct?

4 A. Only in the statements where she thought
5 that her husband wanted her and the baby dead,
6 but not with me at all.

7 Q. After she got off of it --

8 A. No.

9 Q. -- and you interviewed her after she was no
10 longer psychotic, she never put -- she never has
11 blamed VICTIM's death on any alleged active abuse
12 by Randall Hall?

13 A. No.

14 Q. Okay. Now, you testified that it's sort of
15 unclear how long it would take your body to clear
16 itself of amphetamines, methamphetamines?

17 A. That's correct. I've been on the internet
18 over quite a few hours to try to figure out the
19 metabolism rates of that and there is nothing
20 really set. The best I've been able to gather is
21 that it depends on how much you use, different
22 metabolisms, but there's some studies that show
23 that a single dose can last up to six to 24
24 hours.

25 Q. Okay. All right. Now, Mr. Bolus asked you

1 about the 26th, which is the date that she gave
2 that lengthy taped interview?

3 A. Yes.

4 Q. Okay. And do you know about what time of
5 the day that interview started?

6 A. No.

7 Q. Okay. If it started around, say, 11:00 a.m.
8 And the first person that talked was a SLED Agent
9 Caldwell, do you recall that from the interview?

10 A. Yes.

11 Q. And after a period of time then Tom Marshall
12 began to talk to her; is that correct?

13 A. Yes.

14 Q. And she continued through the initial
15 interview with Mr. Caldwell, all of the interview
16 with Caldwell and the initial interview with Tom
17 Marshall, she persisted in denying that she knew
18 where the baby was; is that correct?

19 A. Yes.

20 Q. For a long period of time?

21 A. Yes.

22 Q. Several hours?

23 A. Yes.

24 Q. Okay. And later on during the course of the
25 interview she told Tom Marshall that she woke up

1 at four o'clock in the morning, morning of the
2 26th. And at four o'clock in the morning she
3 realized what had happened, she realized that
4 VICTIM was dead and she knew where the body was;
5 is that correct?

6 A. Yes. And that's consistent with the
7 statement that she told me as well when I
8 evaluated her.

9 Q. Okay. So at 4:00 a.m. on the 26th she knew
10 that her child was dead and the location of the
11 child's body?

12 A. Yes. But kind of qualifying that, but also
13 remember in her report to me she reported it was
14 a dream and some of the dreams that come from the
15 amphetamine withdrawal are so vivid it's
16 difficult, especially with her having been in a
17 psychotic state, to determine the difference
18 between a dream and a reality. But she certainly
19 indicated to me that on that morning that she
20 began to have an awareness of what had happened.

21 Q. Okay.

22 MR. BAILEY: If I could mark this.

23 Your Honor, I would like to offer this.

24 THE COURT: Statement as a State's
25 Exhibit?

1 MR. BAILEY: Yes, ma'am.

2 THE COURT: All right. Will there be
3 any objection?

4 MR. BOLUS: No, ma'am.

5 THE COURT: All right. Very well.
6 State's Exhibit Number 7 in evidence without
7 objection.

8 (Entered into evidence was State's Exhibit
9 7, statement.)

10 MR. BAILEY: If I may approach.

11 Q. Dr. Schwartz-Watts, this is State's Number
12 7, which is a two-page statement that Ms. Hall
13 had given on the 26th. And I would ask if you
14 read that as far as the package of material you
15 were given?

16 A. Yes, sir.

17 Q. Okay. I'm looking at the second page. If
18 just for the record you would read the last four
19 lines or so where it says -- start with "My
20 mind..."

21 A. Certainly. "My mind has blocked out all of
22 this until last night around 4:00" p.m. or a.m.,
23 it's kind of not clear there, "when I realized
24 just what was and what really happened Sunday
25 morning with little Victim."

1 Q. Okay. So would that indicate, Doctor, that
2 at 4:00 a.m. she realized what had happened with
3 the child, but continued to lie to the
4 investigators in a taped interview until sometime
5 about midday?

6 A. It's certainly clear from that statement
7 that she had an awareness of what happened.

8 Q. Okay. And the child was lying dead under
9 some straw out in the woods, but yet she
10 continued to deny that she knew where the child
11 was?

12 A. That would be fair to say. I didn't agree
13 to the part about lie, because, again, with her
14 having continuing awareness whether they were
15 lying, fabrications, more awareness over time,
16 but I think certainly there was deception there.

17 Q. Okay. All right. And what is the time that
18 statement is given? There's a time on the front
19 of it, I think.

20 A. 5:26 p.m.

21 Q. Okay. Let me ask you, I think this will be
22 sort of a hypothetical, Doctor, you may be able
23 to answer it, I don't know. Let me ask it first
24 of all if in reading over all the taped
25 interviews and the incident reports and all that

1 from law enforcement, did you get the impression
2 that when Ms. Hall was initially telling what
3 happened and when she was out at the hunting club
4 where the canal was located where she said she
5 was attacked by these people where the car was,
6 where her clothing was found and all that, did
7 you glean from that that she was making a
8 conscious effort to lead the investigators away
9 from the location of the baby's body?

10 A. No, not at all. I considered during that
11 period of time she was still psychotic. In my
12 opinion, the stories kept changing because her
13 perceptions were changing. She was under the
14 influence of a disorder of perception and
15 thinking and --

16 Q. Okay.

17 A. In my opinion not at that point.

18 Q. I'm asking a hypothetical. If, in fact, she
19 was intentionally leading authorities in
20 directions away from the location of the car
21 where the body was, if that had happened, would
22 that indicate that at that time she had a
23 conscious awareness of what had occurred and that
24 it was wrong and that she was being deceptive?

25 A. It would certainly be fair to say some

1 awareness. How full that would be, again, with
2 her being intoxicated, withdrawing, and also
3 being psychotic would be hard to say, but I think
4 that would be fair.

5 Q. Thank you. That's all I have.

6 THE COURT: Any redirect?

7 MR. BOLUS: No, ma'am. Thank you.

8 THE COURT: And is this witness free to
9 leave?

10 MR. BOLUS: Yes, ma'am.

11 MR. BAILEY: Yes, ma'am.

12 THE WITNESS: May I just add one thing
13 for the Court, Your Honor? Just in her
14 sentencing to please ensure that she get
15 treatment. It's very common after
16 amphetamine dependency to develop a severe
17 depression. And because of her personality
18 structure she minimizes, if anything she
19 fakes well, she acts like she's doing much
20 better than indeed what she is
21 psychiatrically, and if I had a
22 recommendation to the Court it would be that
23 she absolutely receive treatment during her
24 period of incarceration.

25 MR. BAILEY: Your Honor, could I ask

1 one follow-up question based on what the
2 doctor said?

3 **THE COURT:** Certainly.

4 Q. When you said she faked well, what does that
5 mean?

6 A. That means she minimizes, if anything,
7 what's wrong with her. If she -- she even to
8 this point tries to appear cheerful, tries to --
9 she acts as if she's got everything together.
10 She -- if you ask her if she's depressed she'll
11 say not at all, she'll smile and she'll be
12 cheerful, but indeed she's quite depressed. She
13 has significant issues that she really needs
14 treatment for in addition to her substance abuse.

15 Q. Okay. Ma'am, thank you. That's all I have.

16 **MR. BOLUS:** No questions.

17 **THE COURT:** All right.

18 (Whereupon, the witness steps down from the
19 witness stand.)

20 **THE COURT:** Have you now called the
21 witnesses that you needed to call at this
22 point, Mr. Bolus?

23 **MR. BOLUS:** Yes, ma'am.

24 **THE COURT:** All right. And we're about
25 to take our lunch break, unless you tell me

1 that there's a witness of short duration
2 that you need to call before lunch.

3 MR. BAILEY: I'm not going to tell you
4 that, Judge.

5 THE COURT: No, you're all right? All
6 right. Very well. All right. We will then
7 be adjourned in this matter and we will
8 reconvene at two o'clock. Thank you.

9 (Lunch recess taken from 12:45 p.m. to
10 2:15 p.m.)

11 THE COURT: Before we took our lunch
12 break as I understand it, Mr. Bolus, you got
13 to call the witnesses that you needed to
14 call for scheduling purposes. Does that
15 mean we shift back now to the State,
16 Mr. Bailey?

17 MR. BAILEY: I believe so, Your Honor.

18 THE COURT: Very well. Call your next
19 witness.

20 MR. BAILEY: Call Tom Marshall.

21 THE CLERK: Raise your right hand and
22 place your left hand on the Bible and give
23 us your full name.

24 THE WITNESS: Thomas Miles Marshall.
25 (Thomas M. Marshall, called as a witness,

1 having first been duly sworn, is examined
2 and testifies as follows:)

3 DIRECT EXAMINATION

4 BY MR. BAILEY:

5 Q. You're a detective sergeant with the
6 Dorchester County Sheriff's Office; is that
7 correct?

8 A. Yes, sir.

9 Q. And you're the case officer in this case?

10 A. Yes, I am.

11 Q. And I would ask whether or not on Monday,
12 April 23rd, were you sent to the Ridgeville Town
13 Hall?

14 A. Yes, I was.

15 Q. All right, sir. And that's located in
16 Dorchester County?

17 A. Yes, it is.

18 Q. All right. And were other law enforcement
19 officers there when you arrived?

20 A. Yes, sir. Part of the command staff was
21 already there and a couple other detectives in
22 the detective division were already on the scene.

23 Q. Okay. Was Norma Hall there?

24 A. Yes, she was.

25 Q. Briefly describe her appearance and demeanor

1 when you saw her.

2 A. When I went into the room where she was at,
3 she was sitting in a chair with jeans on with
4 a -- just a bra and a white sheet wrapped around
5 her. She was -- visible signs of scrapes and
6 cuts about her face, arms, across her chest,
7 neck, her hands were very dirty, it looked like
8 there were several cuts and abrasions on there,
9 her feet had cuts and scratches on them.

10 Q. All right. And did you interview her?

11 A. She was in the process of being interviewed
12 by Detective Miller at that time. And when I
13 first walked into the room and introduced myself
14 the first thing she said was that she was sorry
15 for the way she looked, the way she smelled. And
16 she kept reiterating that. She said, "I'm sorry
17 the way I look, I'm sorry the way I smell, I've
18 been out in the woods for three days."

19 Q. Okay. And at that time y'all did not know
20 what had happened to the baby; is that correct?

21 A. I had been briefed a little bit on the
22 outside that the baby was missing and to go
23 inside and assist Detective Miller on the
24 interview.

25 Q. Okay. And did you go ahead and interview

1 Ms. Hall at that time?

2 A. Yeah. During the course of the interview
3 then I developed some questions and I eventually
4 took over and everything came directed toward me
5 and I started finishing up the interview from
6 there.

7 Q. All right, sir. Do you have your notes with
8 you? Let me give that to you in case you need to
9 refresh your memory. Summarize, using that to
10 refresh your memory, Mr. Marshall, what she told
11 you on the 23rd in the daytime.

12 A. As I said, when I came in there and I
13 assisted the first thing like I told you at the
14 beginning was that she was -- immediately started
15 talking about that she was feeling sorry for the
16 way she looked and how she smelled. And then we
17 went into -- Detective Miller went into asking
18 her what had happened. And she said that on the
19 20th of April she and her husband got into an
20 argument and that she left and took her baby boy,
21 who is six months old. She went on to say that
22 the first place she went was to Paul's
23 Construction to pick up a check.

24 From there, she got it from a mailbox
25 out there at the company, and then she went from

1 there, she got her husband's check, she went to
2 Hodge's store, cashed the check, and then she and
3 her child -- she said this was around four
4 o'clock, she then said she and her child decided
5 to drive to Walterboro to see her family and she
6 was going to talk to her sister. She said her
7 sister lives in the town of Smoaks.

8 She then went on to say that as she got
9 near the house at her sister's she changed her
10 mind and decided not to go there because her
11 sister doesn't like her husband and she didn't
12 want to have to tell them what went on.

13 Q. All right.

14 A. From there she said that her and Turtle, and
15 that was the nickname that she called her son, I
16 questioned her on that, what she meant by Turtle,
17 she said then they went to the cemetery to see
18 her father's grave. Then after she stayed there
19 she said she left there and went and stayed at a
20 motel.

21 Q. Did you check that out?

22 A. Yes, we checked it out. Actually we started
23 checking it out while we had her there, because I
24 asked her to go back over a couple things, and I
25 told Detective Miller to call up Motel 8.

1 Immediately when I told her that in the interview
2 there she became upset and said, "What has that
3 got to do with my baby?"

4 . I said, "I got to check out everything
5 about your story." I said we need, you know --
6 she said -- she stopped there and says, "Well,
7 then I haven't been telling you the truth and I
8 need to tell you the truth."

9 She then backed up and said that "I
10 didn't want anybody to think bad about me and
11 think I'm a bad mother and this is why I'm not
12 telling you, I didn't tell you the truth the
13 first time, because you would think that I was a
14 bad mother."

15 And I told her, I said, "Nobody's
16 thinking anything like that, tell me what's going
17 on."

18 She said, "Well, I lied to you. I
19 didn't stay at the motel. Me and my baby spent
20 the night in the cemetery." Then she said, "See,
21 that makes me out to be a bad mother."

22 She said then they got up the next
23 morning and they rode back toward St. George and
24 went in to the Grits Festival and she rode around
25 in up through there and bought some stuff. From

1 there she told us -- she went on to say that she
2 was heading back home, she decided she was going
3 to go back home, and she said that her and her
4 husband had talked about some property butting up
5 to their property, so she said she went down and
6 turned down Powder Horn Road and rode around on
7 Zion Road and stopped down there to pick up from
8 flowers.

9 She said she turned down the road, then
10 turned down the dirt road, she thinks that this
11 is the road her husband one day showed her where
12 their property butts up is how she was telling
13 the story to me. She said she got down to the
14 end of the road, she started slipping and sliding
15 and that's when the car got stuck down at the
16 very end of a road.

17 She said that after it got stuck she
18 tried to get out, that she and the baby, she
19 grabbed the baby and rather than backtrack she
20 said she went forward. As the car was pointing
21 as she came down the road and turned right,
22 instead of coming and going out the same way she
23 just came in, she went deeper into the woods.
24 And she said that she got scared because she
25 heard noises and her husband had told her about

1 panthers in the woods.

2 She then turned around and went back to
3 the car and said she cut on all of her lights,
4 she said it was getting a little bit dark. And
5 she put the car in reverse and cut the lights on
6 and that's when she said she heard people
7 talking. She said at one point she thought it
8 was her husband.

9 Then the next morning she said, which
10 was Sunday, she said -- this was Sunday morning,
11 she decides to try to get out of the woods again
12 and she walked in front of the car. She said she
13 didn't go behind the car again, she said she went
14 deeper into the woods again and came across this
15 canal and she said she was attacked there.

16 I asked her if she knew who attacked
17 her. And she said she thought she knew who
18 attacked her, but she didn't want to get anybody
19 in trouble was her statement she made to me.
20 After several attempts I was able to get her, and
21 she said that she thought it was her husband and
22 her girlfriend. At this point --

23 Q. Her girlfriend, or his girlfriend?

24 A. Her husband's girlfriend as she put it.

25 I went over again about Motel 8 and I

1 stopped there and backed up and went over the
2 story again. From there we asked her if -- that
3 day if she could take us out there where she
4 thought the car was stuck. And she said, "Yes."

5 So myself, and Detective Miller,
6 Ms. Bateman, our other victim's advocate, Carol
7 Sylva and I all got into the car along with Norma
8 and we headed out toward where she was talking
9 about, Powder Horn Road.

10 Q. Okay. Let me show you a map here.

11 MR. BAILEY: If I could have this
12 marked into evidence.

13 THE COURT: State's Exhibit 8 is in
14 evidence without objection?

15 MR. BOLUS: Without objection.

16 THE COURT: All right. It is a map.

17 (Entered into evidence was State's Exhibit
18 8, map.)

19 Q. Mr. Marshall, where did you go, you and
20 Ms. Hall and the other deputies referring to that
21 map?

22 A. We came down Ridge Road and then turned onto
23 Horseford Road. And then we rode down Horseford
24 Road to Powder Horn and we turned right onto
25 Powder Horn, which is a dirt road, there's like a

1 company right in here. And then she drove us
2 back up in through here.

3 And as she drove down in there she was
4 telling me that I needed to drive down the road
5 and follow it. She said to drive down this road
6 and follow it as it turns right and then turn
7 left. We drove down this road for several
8 minutes and the road ran into an open field and
9 at the end of this field was woods, so she said
10 this wasn't it. She said turn around and go back
11 and turn around. And then she said go to the
12 other side. She said I think I saw the -- how I
13 came in.

14 Q. So Norma Hall was telling you where to go
15 and this was supposedly where she had been?

16 A. This is where -- yeah. This is where she
17 said she thinks she got the car stuck. She's
18 driving me down this way. She's giving me the
19 directions and telling me how to get here.

20 Q. All right, sir. When y'all were out here in
21 this area off of Powder Horn Road did you get any
22 radio traffic about the location of the car?

23 A. Yes, we did. I was out of the car and I had
24 actually seen some car tracks in there and was
25 trying to look at it, make a determination if it

1 might have been us looking for the car driving
2 back in there, but these appeared to be some
3 tracks, a vehicle had been in there. Detective
4 Miller told me that the helicopter had spotted
5 her car.

6 Q. And had they spotted the car in the property
7 where Norma Hall had directed you to go to?

8 A. No. The car was spotted a much greater
9 distance away from where we were at.

10 Q. Was it a matter of miles away?

11 A. Yes, I would say. It would be coming down
12 here and going back down this way. And the name
13 of the road that they gave me a direction on at
14 one time was I think Old Dam Road, was how it
15 came over the radio at first, which would be back
16 down in this area down here.

17 Q. All right, sir. So that's a different piece
18 of property than where Ms. Hall told y'all this
19 had happened?

20 A. Yes.

21 Q. What reaction did Ms. Hall have, if any,
22 that the word came over the radio that her car
23 had been found at a different location?

24 A. After Detective Miller told me this I went
25 back to the car and asked her if she knew where

1 Old Dam Road was. And she says, yes, she knew
2 it, but it doesn't have anything to do with this,
3 she said I wasn't anywhere near Old Dam Road.

4 Q. Okay.

5 A. And said that has nothing to do with what
6 we're looking for. She said the car is nowhere
7 near Old Dam Road. And I made a note in here
8 that she even got upset over the fact that I
9 asked her about Old Dam Road and the car being
10 located over there. I eventually told her, I
11 said, "Well, they say the car is there." And she
12 made a comment that it wasn't.

13 Q. Okay.

14 A. But from where we were in there, I said,
15 "Well, how do I get to Old Dam Road?" She took
16 me out of that road we're at, drove me onto Zion
17 Road, which if I can show you again -- she takes
18 me out of Powder Horn and then she brings me out
19 down here and then brings me to the stop sign.
20 When I get to the stop sign she says turn, turn
21 right, and you'll go past the church and that
22 runs you to -- we were back, way back up in here
23 and I didn't even know where I was at and she was
24 able to get me out of here onto this paved road
25 here, which is part of Zion Road. Then she runs

1 me back into Horseford Bridge Road and then takes
2 me back down to where Old Dam -- I mean, where
3 Old Dam Road was and then went on to the hunting
4 club.

5 Q. Okay. And did you observe the car on the
6 hunting club property?

7 A. I did not go back there since it was a crime
8 scene. And Lieutenant Asbell and the tracking
9 team was back there and they were trying to bring
10 in dogs and there was enough people already back
11 there and I wasn't going back there to disturb
12 it.

13 Q. All right. Was Norma Hall taken out to the
14 hunting club property that day to your knowledge?

15 A. That was the closest we went to that day.
16 We went out there another day.

17 Q. Okay. All right. Later on that night, or
18 that evening the 23rd, did you have occasion to
19 talk to Ms. Hall again?

20 A. Yes. We brought her down to the station and
21 she was questioned extensively some more about
22 what was going on and where the car was at and
23 everything that happened there.

24 Q. Okay. Do you recall anything she said on
25 that occasion?

1 A. I actually got down there and asked her
2 about where her baby was. And she got upset to
3 the fact that I asked her that question. She
4 said I hurt her feelings for asking her the
5 whereabouts about her kid. And then she said
6 again that she was sorry about her looks and her
7 smelling.

8 She went on to say that if she did kill
9 her child, she would not hide him out there, that
10 she knows hiding places where no one would find
11 him.

12 Q. Okay. Mr. Marshall, when you were
13 communicating with Ms. Hall throughout that
14 entire day, were you able to talk to her and have
15 her respond to you and understand what she was
16 saying to you?

17 A. Yes. The communication was as I told you
18 there, she even got upset with me on several
19 occasions when I would actually challenge her on
20 an issue that was contradicting what she was
21 telling me or was out just completely different.

22 Q. All right. Was she coherent in your
23 opinion?

24 A. In my opinion she understood everything that
25 we did that day.

1 Q. Okay. I want to call your attention to the
2 next day which would have been the 24th, and ask
3 whether or not you saw Norma Hall on that date?

4 A. Yes. Myself and Martha Bateman and Major
5 Turner and several others took Norma back out to
6 the actual scene. The car was then moved that
7 day.

8 Q. Okay. And where is the first place that you
9 all went?

10 A. We went to the head of the road and parked
11 our cars on the -- if you want to call it a road,
12 I guess it's more of a fire cut road where the
13 car actually turned down and drove down in there
14 and got stuck.

15 Q. Okay. And what, if anything, occurred when
16 y'all got near where the car had been stuck?

17 A. When we got near where the car got stuck she
18 got a little upset and started crying and then
19 actually said, "Let's go this way." And kept
20 taking me away from where the car was at. We
21 didn't even get to stay long at that part where
22 the car was stuck. She said, "Let me show you
23 this way, this is how it happened, this is the
24 way it went."

25 So we immediately as we came down this

1 road, the first thing she saw was a bottle, she
2 said, That's the bottle that I had that I put
3 swamp water in and this looks like the area I
4 might have laid down in or something, it looked
5 like that area. That's not the area, but she
6 said then that looks like the area and it was
7 kind of like that area and that's when I laid
8 down and covered up with the --

9 Q. Did she ultimately take you to a canal?

10 A. Yes, she did.

11 Q. What did she say had occurred at the canal?

12 A. She said this is where she was attacked and
13 assaulted. And she said that this is where they
14 grabbed her and she fell down. And she laid down
15 and showed us how the baby rolled out of her arms
16 and she said right here's where my driver's
17 license fell out and stuck there. I was told --
18 after we stopped there I was told by the
19 Lieutenant Asbell that where she said the
20 driver's license had fallen out, that's where
21 they had found the driver's license and of
22 course --

23 Q. How far is this location, you were talking
24 about the canal, how far is that roughly away
25 from where the car was stuck and where the baby's

1 body was ultimately found?

2 A. I would say about 300 yards, 400 yards away.

3 Q. Okay. And did you investigate, was the soil
4 there muddy enough where it would leave
5 footprints?

6 A. Yes.

7 Q. Did you see any footprints other than what
8 appeared to be Norma Hall's footprints?

9 A. The only footprints that were there and
10 still being marked by Lieutenant Asbell were
11 Norma Hall's footprints.

12 Q. As far as where she said the attack took
13 place, did she indicate where that was in
14 relation to the canal, then what happened after
15 the incident at the canal?

16 A. Actually right there is where she's
17 saying -- where she stopped and she's saying this
18 is where the canal was at, this is where they
19 took her baby. And then she pointed in a
20 direction away and said, "This is where I took
21 off running after I got away from them."

22 Q. Okay. And did you look for shell casings or
23 anything of that nature to indicate, to try to
24 corroborate her story that she was shot at and so
25 forth?

1 A. Yes, we did, right there where the fight --
2 where she alleged the fight took place, actually
3 where she was attacked. I then followed her into
4 the woods -- or it's actually a field that's been
5 cut down and mowed down, but there were still
6 fallen trees and everything, I followed her to a
7 location where she said, "This is where I stopped
8 and they fired at me."

9 Q. Okay.

10 A. As I was at that location I was looking
11 around to see if there was any bullet holes or
12 any ricochet shots that might have hit the trees
13 because she said she was down behind a group of
14 trees.

15 Q. Okay. And during this excursion, who was
16 leading the way, who was showing you where all
17 these different events had allegedly taken place?

18 A. Norma was showing me everything.

19 Q. Okay. Did she ever attempt to show you
20 anything immediately in the area around the car?

21 A. No, she did not.

22 Q. All right, sir. And did you find anything,
23 or was anything found in your presence as far as
24 her clothing?

25 A. After we spent a good hour, hour and a half

1 going in one direction and we came out and she
2 said this was not the direction, she turned and
3 we walked down another road and we found a
4 footprint that was pointing into the woods. I
5 went into the woods, she stayed outside and said
6 she was tired. As I came back out of the woods
7 she says, "I know where I'm at, walk down this
8 way, it looks more familiar."

9 So as we walked down to the road I was
10 a little ways ahead of her and she told me to
11 look on the right side of the road while she
12 looked on the left side of the road.

13 Q. What happened then?

14 A. As I got a little ways ahead of her, she had
15 stepped off the road and went into another
16 clearing where there were some fallen trees and
17 there was a tree stump, an actual tree, the roots
18 were all pulled up, I heard her holler for me,
19 started screaming, so I came back and she was
20 holding her pants up saying that she had found
21 her pants.

22 Q. And did she say anything else, Mr. Marshall,
23 to indicate that she was familiar with that
24 property?

25 A. If I'm -- she said right in here I think

1 was -- "I know where I'm at now, if you look
2 right over there I'm not that far from my house."

3 Q. Okay. And in fact her house did back up to
4 this property; is that correct?

5 A. That's correct. We're about not quite a
6 mile, about a little over a half a mile, almost
7 three-quarters of a mile from where the clothes
8 were found to where her house was at.

9 Q. All right. Now, the next day which would
10 have been the 25th, did you again see Ms. Hall?

11 A. Yes. She was at the command post and there
12 she gave us a written statement. And then she
13 was taken --

14 Q. Let me hand you a four-page document and ask
15 if this is the statement that she gave you, that
16 she wrote out that day.

17 A. Yes. And her signature is on the back.
18 This is the four-page statement that I got from
19 her.

20 MR. BAILEY: Your Honor, I would offer
21 this.

22 MR. BOLUS: No objection.

23 THE COURT: Any objection? State's
24 Exhibit 9 into evidence without objection,
25 it is a four-page statement.

1 (Entered into evidence was State's Exhibit
2 9, four-page statement.)

3 Q. Okay. Mr. Marshall, up until that time
4 y'all did not know for sure if VICTIM was alive,
5 or dead, or his whereabouts or anything; is that
6 correct?

7 A. That's correct.

8 Q. All right, sir. Now, the following day,
9 which would have been Thursday the 26th,
10 Mr. Worsham at some point that morning found the
11 body of VICTIM near where the car
12 was stuck; is that correct?

13 A. That's correct.

14 Q. All right. And did you interview Ms. Hall
15 that day?

16 A. I had an occasion to interview her later on
17 that day, yes.

18 Q. Do you know about what time that interview
19 took place?

20 A. The interview started sometime around 11:00.
21 I probably came into the room I would say well
22 after twelve o'clock, closer to 1:00, maybe.

23 Q. All right. So was that interview taped?

24 A. Yes, it was.

25 Q. All right. Who else participated in the

1 interview besides you?

2 A. Special Sergeant Caldwell with SLED was
3 there.

4 Q. Did Mr. Caldwell start off first?

5 A. Yes, he did.

6 Q. Then you joined in?

7 A. That's correct.

8 Q. All right, sir. Now, at a certain point
9 during that taped interview did Ms. Hall tell you
10 that she did, in fact, know where her son was and
11 offer to lead you to the body?

12 A. Yes.

13 Q. And of course the body had already been
14 found by that time; is that correct?

15 A. That's correct. We already knew the body
16 had already been found, had already been moved
17 out and taken in for an autopsy.

18 Q. All right, sir. Now, about what time of the
19 day was it that she -- roughly that she finally
20 told you where the -- she knew where the child
21 was?

22 A. Closer to the end of the day, about five
23 o'clock.

24 Q. All right, sir. And did she tell you when
25 she had remembered the child was in that

1 location?

2 A. She told me later on during the course of
3 the interview that she had woken up at four
4 o'clock in the morning of the 26th and remembered
5 what had happened and that VICTIM was dead and
6 that where it was.

7 Q. She didn't tell you that until afternoon of
8 the 26th; is that correct?

9 A. That's correct.

10 MR. BAILEY: Your Honor, I have a
11 redacted transcript of the tape that I had
12 given to Mr. Bolus and I would like to make
13 that part of the record. I summarized part
14 of it during the course of the first
15 attempted plea, so I won't go through it
16 again, but I do have that and the tape that
17 I'd like to make a part of the record in the
18 event that you want -- I won't play it now,
19 but -- in the interest of time, but I would
20 like to go ahead and have them marked for
21 the record.

22 MR. BOLUS: No objection.

23 THE COURT: No objection, it's State's
24 Exhibit 10.

25 (Entered into evidence was State's Exhibit

1 10; transcript.)

2 (Entered into evidence was State's Exhibit
3 11, audiocassette tape.)

4 Q. Mr. Marshall, on the 26th the body had been
5 found by Mr. Worsham. You did not know the cause
6 of death; is that correct?

7 A. No, I did not.

8 Q. Okay. And what did Mrs. Hall tell you in
9 that tape the cause of death was?

10 A. She told me that it was an accident, that
11 she had again started out saying that the reason
12 she didn't tell us was that we would think bad of
13 her. She went on to say that she had gotten up
14 that morning and was going to try to find her way
15 out, she laid VICTIM on the seat and she left and
16 walked deeper into the woods again.

17 She said she was gone somewhere between
18 45 minutes to an hour. When she came back she
19 didn't think anything of it, she sat in the front
20 seat of the car and then realized that he wasn't
21 moving. And she said she picked him up and said
22 that she tried to do CPR on him.

23 Q. Did she say he was dead when she picked him
24 up?

25 A. Yes. I think she said she realized he

1 wasn't breathing, he was dead. And she said she
2 tried to wake him up and he would not wake up, he
3 was not breathing. She tried mouth to mouth on
4 him and said that she was going by the first aid
5 card and she had never been taught how to do CPR,
6 she got scared and left him in the car and ran
7 through the woods.

8 Q. Okay. Now, by the end of that day, the
9 26th, the time you completed the interview with
10 her, had she ever told you anything about the
11 child's head being injured, either something
12 hitting the child's head or the child's head
13 striking a tree or the ground or anything to
14 explain head injuries?

15 A. No. She went on to say that she ran through
16 the woods and took her clothes off, that's
17 probably how she said she lost her keys. And she
18 said she got back to the car and she had to break
19 the window out with some wooden shelf or
20 something.

21 And she went on to say that she put her
22 son down and placed him in the woods about
23 15 feet from the car. And she said, "I never
24 buried him, I just laid leaves all over him."
25 She went on to say that after she did this she

1 was able to find her way out of the woods and
2 went to her house and had to break into her
3 house. And she called Pam and she never -- and
4 then that's when we stopped the interview there.

5 Q. All right. The next day the autopsy was
6 conducted; is that correct?

7 A. Yes. The autopsy was conducted the next
8 day.

9 Q. Ms. Hall had been arrested on the 26th after
10 that taped interview. And there was a bond
11 hearing on the 27th?

12 A. Yes, sir.

13 Q. And did she ask to talk to you again on the
14 27th?

15 A. Yes, sir. She did.

16 Q. All right. So you knew the cause of death
17 according to the autopsy at that time was blunt
18 head trauma and not suffocation; is that correct?

19 A. That's correct.

20 Q. Did you tell her that initially?

21 A. Yes. I tried to give her the opportunity to
22 tell me and she started out -- I asked her now
23 was the time to tell the truth and to come
24 forward. I asked her if there was anything she
25 forgot to tell me about the child. And she kept

1 saying, well, you know, it stopped breathing.
2 And then she said there was one thing she did,
3 she said she carried it down to the canal and
4 tried to put water on its face.

5 MR. BAILEY: Indulge me one second,
6 please, Your Honor.

7 THE COURT: All right.

8 Q. I call your attention to page 34 of this
9 transcript, State's 10. Again, I'm not going to
10 ask you to cover the whole thing. This interview
11 lasted about five hours, I think.

12 MR. BAILEY: For the record this
13 transcript covers the taped portion of the
14 26th and 27th, both tapes.

15 THE COURT: All right.

16 Q. I'm sorry, page 31.

17 A. Okay.

18 Q. I don't have my glasses on.

19 A. Okay.

20 Q. Mr. Marshall, I believe you testified you
21 were trying to get her to tell you what had
22 happened that would justify or would explain the
23 blows to the head; is that correct?

24 A. That's correct.

25 Q. Prior to telling her that was the cause of

1 death?

2 A. Yes, sir.

3 Q. And reading down there, starting at the
4 middle of the page, "Is there any other
5 thing...." Could you read this down to the
6 bottom of that page?

7 A. It says, "Detective Marshall:" I'm talking.
8 "Is there any other thing that could have
9 happened beside anything else that could have
10 happened? The thing was, is yours right now
11 going to be that you got out of the car and when
12 you came back Harley was deceased?"

13 Norma Hall: "Yes."

14 Detective Marshall: "Are you sure of
15 that?"

16 Norma Hall: "Yes."

17 Detective Marshall: "Could it have
18 been any other thing that you don't know about?
19 Could you have done anything, any other thing?
20 Could something have happened, could you have
21 lost your temper?"

22 Norma Hall: "No. No, 'cause that
23 would be immoral."

24 Detective Marshall: "Okay. Could you
25 have tripped and fallen with him outside the

1 car?"

2 Norma Hall: "No."

3 Q. Mr. Marshall, up until that time had
4 Ms. Hall ever complained that her husband had
5 been abusing her and that had some connection
6 with VICTIM 's disappearance?

7 A. No, sir.

8 Q. All right, sir. And up until that time had
9 she ever offered any explanation for any blunt
10 head trauma?

11 A. No, she never did.

12 Q. And after you told her that the child had
13 died of blunt head trauma, did she then say,
14 "Well, I might have tripped"?

15 A. After I told her that I questioned her, I
16 got here on my notes I questioned her more about
17 the head injury and she went on to say she might
18 have fallen with the child while running to the
19 water, or she might have dropped the child, but
20 she said that she did not beat the child to
21 death. After she said this we concluded the
22 interview.

23 Q. Okay. And she was telling you that she
24 dropped the child after the child had died in the
25 car; is that correct?

1 A. Yes.

2 Q. All right, sir.

3 MR. BAILEY: Bear with me one second,
4 please.

5 THE COURT: All right.

6 Q. Please answer any questions Mr. Bolus might
7 have for you.

8 THE COURT: Cross-examination.

9 CROSS-EXAMINATION

10 BY MR. BOLUS:

11 Q. Sergeant Marshall, my client had to break
12 into her house to get her clothes because her
13 husband had changed the padlocks on the doors?

14 A. I didn't go out there to get any clothes
15 with her.

16 Q. Do you understand from reading your case
17 file that he admitted to changing the padlocks
18 and the locks on his house?

19 A. Yes. I knew that she had gone in there; I
20 did not go with her. I know that the locks were
21 changed and the officers told me, yes.

22 Q. He had done that because she was missing for
23 two or three days?

24 A. That's what the -- he said that this had
25 happened before and she had gone off and he got

1 fed up and changed the locks.

2 Q. Instead of looking for his wife and his
3 family or whatever, he admitted that he just
4 changed the locks on the house?

5 A. That's correct.

6 Q. And he said this happened two or three times
7 before?

8 A. If I remember correctly on his statement
9 when he was being interviewed by Detective Boris
10 and I, I think it was Detective --

11 Q. Coker?

12 A. -- Coker, that this had happened before and
13 that he changed the locks. And then he got
14 worried on Sunday and started making telephone
15 calls.

16 Q. And then he changed the locks on the house?

17 A. Yes. I think that's -- not in that
18 sequence, but I know that he changed the locks.

19 Q. And he also admitted to hearing some noise
20 and cars on Sunday or Monday, a little ways back
21 into the woods where the car was found he
22 admitted to hearing those noises?

23 A. Monday morning he said he was hearing some
24 kind of revving up of a motor and he said he
25 thought that it sounded like his car, he wasn't

1 saying it was Norma, but he said he could hear a
2 car revving up, or what sounded like a car
3 revving up early Monday morning when he was
4 getting ready to go to work.

5 Q. And he didn't tell you he went out looking
6 for his wife or anybody, he just went to work?

7 A. That's -- he didn't specifically talk to me,
8 he talked to Detective Coker and Detective Boris.
9 But on his notes in there what they're getting
10 written down is that he goes to work, he made a
11 telephone call Sunday to Norma's mother asking,
12 you know, had -- or she called him, one of the
13 two, I think the mother called him or either he
14 called the mother of Norma and asked had you seen
15 her and the conversation from there.

16 Q. Also your case file would reflect that in a
17 question about would she have hurt her baby, or
18 she's done anything to the baby in the past, he
19 said, "No, never." He wouldn't believe that that
20 could happen?

21 A. I would have to go back there and read it,
22 but I vaguely -- I know the officers briefed me
23 on that. Like I said, again, I did not conduct
24 the interview with him.

25 Q. But in your investigation in your case file

1 it reflects that in order to try to assume who's
2 going to be a suspect or not, he told the police
3 that his wife would not hurt the child?

4 A. I think it says in there I don't think she
5 would do anything to her. To him, excuse me.

6 Q. Yeah. Well, question from Mr. Coker was
7 "Have you ever heard her say anything like she
8 does not want the baby or wished it was not
9 born?"

10 The answer was "No, never. If she did,
11 I would have to walk. She never said nothing
12 like that to me." That's Alvin Coker's
13 statement. Do you recall reading that? That's a
14 question from --

15 A. Excuse me, I'll get to his.

16 Q. Right there.

17 A. Yeah. That's the Q and A section after he's
18 done the interview and then Detective Coker does
19 a Q and A. And you're on the last page here?

20 Q. Yes, sir. What is the last thing that
21 Mr. Hall says?

22 A. The question is "Have you ever heard her say
23 anything like she doesn't want the baby or wished
24 it was not born?"

25 And the answer is "No, never. If she

1 did, I would have to walk. She never said
2 nothing like that to me."

3 Q. Okay. That's all. Thank you.

4 THE COURT: Any redirect?

5 MR. BAILEY: No redirect, Your Honor.

6 THE COURT: You may come down.

7 (Whereupon, the witness steps down from the
8 witness stand.)

9 MR. BAILEY: Your Honor, that's all I
10 have as far as, I guess, the State's case in
11 chief on the sentencing phase. I do have
12 some as far as sworn witnesses, I do have
13 some family members for victim impact type
14 presentations that I'd prefer to wait until
15 all the sworn witnesses have completed their
16 testimony if that would be appropriate.

17 THE COURT: All right. Very well.
18 Yes, sir?

19 MR. BOLUS: Your Honor, I think the
20 solicitor and I have agreed that as in any
21 plea people have a right to give an unsworn
22 statement, including the defendant, which
23 would not be subject to cross-examination by
24 either side. I have a few people I'd put up
25 to be sworn because they're going to testify

1 as to facts. I have no objection obviously
2 to that kind of cross-examination, but we
3 also have a couple people we would put up as
4 in a normal plea. Unsworn, but just
5 including the defendant, obviously.

6 THE COURT: That want to give
7 statements, I understand. And you all agree
8 to proceed in that fashion, is that correct,
9 do you agree the State will call family
10 members to give victim impact statements and
11 that there will be people who will testify
12 on behalf of Ms. Patrick who -- or Ms. Hall
13 who would likewise give statements unsworn,
14 that's an agreement between the two of you?

15 MR. BOLUS: Most of mine would be
16 sworn, but I have two, but I do -- he did
17 reserve the right, obviously there's going
18 to be some things said about Mr. Hall that I
19 would have no objection to if he wants to
20 put Mr. Hall on the stand to contradict it.
21 Mr. Hall can do whatever he wants to, either
22 make an unsworn impact statement or get on
23 the stand and contradict certain things he
24 might hear today.

25 MR. BAILEY: Your Honor, I may or may

1 not call him as a reply witness depending on
2 what comes out as far as their case, but my
3 understanding is that we would, if it meets
4 the Court's approval, go ahead and proceed
5 with the defense case as far as their sworn
6 witnesses and then the family members who
7 want to give an unsworn statement could then
8 do so after the sworn testimony is over.

9 MR. BOLUS: Right.

10 THE COURT: And that's acceptable?

11 MR. BOLUS: Yes, ma'am.

12 THE COURT: All right.

13 MR. BOLUS: I have a few that I call
14 then to be sworn.

15 THE COURT: Certainly.

16 MR. BOLUS: Linda Shiner.

17 (Linda G. Shiner, called as a witness,
18 having first been duly sworn, is examined
19 and testifies as follows:)

20 THE CLERK: Come around here and have a
21 seat, please.

22 THE COURT: Yes, ma'am. If you will
23 please state your full name for the record
24 and spell your last name.

25 THE WITNESS: Linda Gail Shiner,

1 S-h-i-n-e-r.

2 THE COURT: Your witness.

3 DIRECT EXAMINATION

4 BY MR. BOLUS:

5 Q. Ms. Shiner, how do you know Norma?

6 A. In '86 her husband and I worked in the
7 shipyard together.

8 Q. Was that Mr. Patrick?

9 A. Yes, sir.

10 Q. Her first husband?

11 A. Uh-huh. We worked there to the shipyard
12 together. And she called there several times and
13 I was a receptionist, so I talked to her. And
14 her husband introduced us and we became instant
15 friends at that point.

16 Q. Okay. And what had happened to you prior to
17 1986?

18 A. In '79 I was in an automobile accident, had
19 both my legs dismembered. I had a child that was
20 two years old that was killed, I had very
21 numerous amount of broken bones, both hips, my
22 pelvis, ruptured spleen, ruptured uterus,
23 ruptured bladder, ruptured kidneys. I was in a
24 tremendous amount of grief and pain after that,
25 but I came out of that okay. I just wanted to

1 get stronger and stronger. As I got stronger I
2 was able to go back to work. The accident was in
3 '79, January, and I went back to work in '81.

4 And when I met Norma, if you want me to get into
5 that now.

6 Q. Yes.

7 A. I was at the point where I was -- the pain
8 of everything was catching up with me, I was
9 having to only go to work half a day because I
10 was just getting physically where I couldn't
11 attend work full-time anymore. And we went to
12 lunch the first time and she was asking me what
13 had happened. And I was telling her what was
14 happening with the baby, what happened. And I
15 looked up and she looked right at me and she had
16 tears going down her face. And there wasn't too
17 many people that would -- that could show that
18 kind of a grief when I talked to them about this.
19 I mean, you could tell that it really moved her.
20 And it was basically about the child is what we
21 were talking about.

22 And she just became a confidante to me.
23 She was everything to me. I was, like I said,
24 having to quit -- only four hours of work, my
25 husband was traveling, I had two small children,

1 one was six, I believe, and one was three. And I
2 was having a nervous breakdown is basically what
3 I was doing, but I was too hard headed to go to a
4 doctor.

5 And being out at the shipyard, it's
6 like a meat market out there, there's so many men
7 and so few women that the men were there, oh, you
8 can lean on me, but I've been married 28 years to
9 the same man, we were childhood sweethearts and
10 I've never -- I couldn't do that.

11 And she come into a time in my life
12 where she spent many hours with me and my family,
13 my husband, my mother, all of us and talked to
14 us. And she just helped me get through so much
15 of a burden in my life that there's no way in the
16 world that she could ever have harmed a child. I
17 seen her with her other two children and she was
18 the best mother, I would have left my children
19 with her any time, any place.

20 Q. All right. At that time she was working for
21 the county?

22 A. Yes, sir. I met her when she worked at the
23 service building.

24 Q. Okay. Now, you lost track of her over the
25 last 15 years?

1 the night. And she come over the next day, she
2 was getting her stuff ready to go, she stayed
3 almost half a day with us and she was going back
4 home.

5 And I really didn't hear too much after
6 that from her until I seen her working at the
7 Hess station and I talked to her and stuff.

8 Q. You later learned that she had left her
9 first family for Mr. Hall?

10 A. Yes, sir. Through friends and stuff I heard
11 that.

12 Q. Thank you. That's all.

13 MR. BAILEY: No questions, Your Honor.

14 THE COURT: All right. You may come
15 down.

16 THE WITNESS: Thank you.

17 (Whereupon, the witness steps down from the
18 witness stand.)

19 THE COURT: Call your next witness,
20 please.

21 MR. BOLUS: Your Honor, I would like to
22 call Lindsey Patrick Stewart.

23 THE CLERK: Raise your right hand,
24 place your left hand on the Bible, give us
25 your full name.

1 THE WITNESS: Lindsey Patrick Stewart.
2 (Lindsey P. Stewart, called as a witness,
3 having first been duly sworn, is examined
4 and testifies as follows:)

5 THE CLERK: Have a seat.

6 THE COURT: All right. If you would
7 please state your full name for the record
8 and spell your last name.

9 THE WITNESS: Lindsey Patrick Stewart,
10 S-t-e-w-a-r-t.

11 THE COURT: I'm going to have to ask
12 you to keep your voice up a little bit more,
13 please.

14 THE WITNESS: Okay.

15 THE COURT: That's okay.

16 DIRECT EXAMINATION

17 BY MR. BOLUS:

18 Q. Lindsey, what is your relationship with
19 Norma?

20 A. She married my brother.

21 Q. And his name was?

22 A. I'm sorry.

23 THE COURT: Lower that microphone a
24 little bit.

25 A. She married my brother in 1980. She was my

1 sister-in-law.

2 Q. How old were you then?

3 A. Ten.

4 Q. And did you -- do you remember the happier
5 times that she spent with the family?

6 A. I do.

7 Q. Would you describe those years with her, and
8 your brother, and his children through her?

9 A. They were the typical family, soccer,
10 football, family dinners, church, just your
11 typical family. She worked for a short while
12 when Justin was little, but she decided to stay
13 home and be a mother and a housewife at home.
14 She was always kind and gentle.

15 Q. Did she -- you call her a good mother?

16 A. I called her an excellent mother.

17 Q. Okay.

18 A. She waited on my brother, whatever he needed
19 or wanted, she was there. And she doated over my
20 nephew, Justin, she -- he was the apple of her
21 eye.

22 Q. And he is 18 now?

23 A. Seventeen.

24 Q. And I understand that Justin and your
25 brother and your niece, Caroline, live in King's

1 Bay still?

2 A. Yes, they do.

3 Q. Okay. Were you ever aware that they were
4 having marital problems? And if so, how did you
5 become aware?

6 A. Yes, I was. I was always very close to
7 Norma and Lamar. I went with her everywhere, I
8 know she got tired of me, a little kid following
9 her around all the time. Visits, phone calls
10 weekly, she was the sister I never had basically.

11 I was aware that there were problems
12 because she and I talked on the phone a lot. I
13 was going through marital problems at the time as
14 well with my first husband and we kind of sounded
15 off on each other about problems, so, yes, I was
16 aware there were problems.

17 Q. Would this have been about 1990 when, six?

18 A. In 1995 when Norma had Caroline she never
19 was the same after that, she was never the same
20 person.

21 Q. What do you mean, from what to what?

22 A. She went -- she had postpartum depression
23 after Caroline. She went -- I mean, she had all
24 the symptoms of depression, you know, withdrawal,
25 you know, not sleeping, just depressed, crying

1 all the time. She just -- it just seemed she
2 never recovered.

3 Q. Did they live in King's Bay away from her
4 family in St. George at that time?

5 A. Yes.

6 Q. Did you later find out that she started a
7 relationship with Mr. Hall?

8 A. I did. She never admitted that to me, but I
9 did, you know, I found out through other family
10 members that they had a relationship.

11 Q. And that obviously broke up the first
12 marriage to her brother -- to your brother?

13 A. Yes.

14 Q. Have you had much contact with her in the
15 last two years?

16 A. Not a lot. In the beginning I was
17 devastated. I not only lost a sister, but I lost
18 my best friend because I couldn't contact her. I
19 wrote letters and she never responded, so, yes, I
20 lost contact. And on the few times I did see
21 her, probably from 19 -- let's see, I saw her
22 like probably four times, five times since.

23 Q. Were you ever aware, made aware that she had
24 a serious drug problem?

25 A. Yes, I was aware of that.

1 Q. And how did you become aware of that?

2 A. Through family. Her sister is also one of
3 my very good friends.

4 Q. Dale Murdaugh?

5 A. Dale Murdaugh.

6 Q. You became aware she had a serious problem?

7 A. Yes. But at that point, you know, I felt
8 like she didn't want contact with me, so I
9 never -- you know, I didn't call her home or I
10 didn't -- you know, I didn't try to pursue that
11 any longer.

12 Q. So when she was married to Mr. Hall
13 basically y'all didn't have a relationship after
14 that?

15 A. No, we did not.

16 Q. Okay. Thank you.

17 THE COURT: Cross-examination?

18 MR. BAILEY: No, ma'am. No questions.

19 THE COURT: Come down.

20 (Whereupon, the witness steps down from the
21 witness stand.)

22 THE COURT: Call your next witness,
23 please.

24 MR. BOLUS: Your Honor, I would call
25 Dale Murdaugh.

1 THE COURT: All right.

2 THE CLERK: Raise your right hand, give
3 us your full name.

4 THE WITNESS: Dale Padget-Murdaugh.

5 (Dale Padget-Murdaugh, called as a witness,
6 having first been duly sworn, is examined
7 and testifies as follows:)

8 THE CLERK: Okay. Come around and have
9 a seat.

10 THE COURT: If you'd state your full
11 name for the record and spell your last
12 name, please.

13 THE WITNESS: Dale Padget-Murdaugh,
14 M-u-r-d-a-u-g-h.

15 DIRECT EXAMINATION

16 BY MR. BOLUS:

17 Q. What's your relationship to Norma?

18 A. I'm her sister.

19 Q. Obviously you know Lindsey who just
20 testified. Are y'all still friends?

21 A. Oh, yeah.

22 Q. Okay. What do you know about Norma's
23 situation with the drugs, methamphetamines, and
24 things like that?

25 A. We grew up right here in St. George and most

1 of Norma's life she's had friends who off and on
2 did drugs. And I knew she did them. She knew
3 that I didn't agree with what she did. I mean,
4 we've always had that type of relationship, but
5 I'm like as Lindsey stated, when she had Caroline
6 something changed in her. And I don't know
7 whether it was just the depression or what, but
8 that's when she really started turning to the
9 drugs.

10 Q. Before having her daughter, did she have a
11 happy relationship with Mr. Patrick?

12 A. Like any typical marriage, I'm sure they had
13 their disagreements, but, yes, they had a good
14 relationship. It was when Norma went through the
15 depression and Lamar was head of the union and
16 they had a lot of marital problems, that Norma
17 kind of ran away from those problems and ended
18 back up in South Carolina and I think that's how
19 she met Randall.

20 Q. So the family had moved down to King's Bay.
21 Is that where Caroline was born?

22 A. Yes. Caroline was born there, Justin was
23 here. Norma always took good care of her
24 children and when she left her family, that was
25 one of the biggest things that me and her

1 disagreed on. But she had told me that she knew
2 Lamar could --

3 MR. BAILEY: Judge, I'm going to object
4 to the hearsay from this witness.

5 THE COURT: Yes, sir. Let me hear from
6 you. There's an objection on the basis on
7 hearsay, Mr. Bolus.

8 MR. BOLUS: I think she's just talking
9 about my client's state of mind, what was
10 going on in the marriage. I mean, it's a
11 fact that -- the solicitor's brought up this
12 thing about the divorce to show that my
13 client somehow is kind of -- let her first
14 family down. The cat's out of the bag that
15 we have a divorce here and I'm just getting
16 to the root of the divorce.

17 THE COURT: I'm going allow it. You
18 may proceed.

19 MR. BOLUS: Thank you.

20 A. She had told me that she knew that everybody
21 thought she was a bad mother for leaving her
22 children with Lamar, but that since she didn't
23 have a job, that he was the best person to tend
24 to her children. And I agreed with her. I mean,
25 she always knew where I stood on that issue.

1 Q. Okay. And it wasn't a contested divorce,
2 was it?

3 A. No, it was not. And I feel like Norma
4 should have gotten more than she did, but she
5 didn't contest it.

6 Q. She was involved with Mr. Hall at this time?

7 A. Yes, she was.

8 Q. Now, have you seen Norma at the jail over
9 the last year?

10 A. Oh, yes.

11 Q. It's been said, I've heard that she was not
12 remorseful from some sources. What would you say
13 in regard to how she exhibited remorse or lack of
14 remorse the times you've seen her?

15 A. The first three months after VICTIM's death
16 Norma cried almost the whole time we were there.

17 Q. You would visit her every Sunday?

18 A. I've been there. I've only missed about six
19 or eight visitations in the last year and one
20 week it would be on Saturday and one week it
21 would be on Sunday, so I've been there almost the
22 entire time.

23 Q. She is -- like you visit her for an hour and
24 she would cry the whole hour?

25 A. Yes.

1 Q. Do you have an occasion to know what the
2 relationship between her and her present husband
3 was?

4 A. Norma knew that I didn't approve of her
5 leaving her family for the lifestyle she was
6 living. She knew that I was angry with her for
7 that and I don't agree with that type of
8 lifestyle. I've seen my sister bruised when
9 she'd come to Mama's house. And we had had words
10 about that, too, so when she made a statement
11 that I didn't like Randall that's where she's
12 getting it from, because I don't agree with that
13 lifestyle.

14 Q. Did she ever stay with you or Ms. Maybin,
15 her mother?

16 A. She stayed with Mother. The majority of the
17 time she stayed with Mama.

18 Q. More than one occasion?

19 A. Yes, several occasions.

20 Q. How many occasions have you seen bruises on
21 Norma?

22 A. Probably four or five. I mean, I knew she
23 was there and I would personally try not to be
24 there because there was conflict there because
25 she knew how I felt about --

1 Q. About the whole thing?

2 A. The whole thing, all of it.

3 Q. Her drug use?

4 A. Her drug use and the living in an abusive
5 relationship of any type I do not agree with.

6 Q. You also didn't approve of her leaving her
7 first family?

8 A. No.

9 Q. So that caused a riff between the two
10 sisters?

11 A. Yes. Well, it was never -- we had riffs,
12 but I'm a very outspoken person and Norma and
13 myself that's just been our relationship, I just
14 tell her what I think and she doesn't have to
15 like it or not, but she....

16 Q. Did you see her interaction with VICTIM over
17 his lifetime after he was born until his death
18 from November until April?

19 A. I did. My youngest son is only ten months
20 older than VICTIM. I gave them everything I
21 could baby-wise for VICTIM. Norma is a very
22 meticulous person, her appearance, and that's the
23 reasons for her statements of how she looked when
24 she come out of the woods, but she always took
25 good care of VICTIM. In fact, she changed his

1 diaper and his clothes more than I ever did on
2 all three of my children. I mean, she couldn't
3 have a spot on it or a dirty thing, I mean she
4 was just always --

5 Q. Did she doat over Harley?

6 A. Oh, yes. And she could speak and VICTIM
7 would follow her wherever she was, I mean in the
8 room. Even when you had him holding him he would
9 follow his mother.

10 Q. Where did the name Turtle come from?

11 A. That was just a nickname that her and
12 Randall had for VICTIM.

13 Q. Are you familiar with his problem with the
14 cleft palate and the lack of feeding, were you
15 ever around episodes where she was trying to feed
16 him in the first month of his life?

17 A. Yes, sir. In fact, I was there the day that
18 they carried VICTIM home from the hospital. I
19 videotaped it. Dr. Hill had been my children's
20 doctor for the nine -- I have a nine year old and
21 he had been my children's doctor and that's why
22 Norma chose to use him. They told her all about
23 the cleft palate, they gave her the literature,
24 they told her to contact MUSC, but at the
25 hospital they did not give her the nipple that

1 she needed.

2 Q. The first time she took the baby down there
3 she did not get the new nipple?

4 A. No. I had bought VICTIM several different
5 nipples to try, to try to -- they said it could
6 be -- you know, if we could get one. And I had
7 tried the Playtex nipples and had given her some
8 of those to try to get the food in him.

9 Q. Did you notice how he was able to take in
10 liquid or how he was losing liquid?

11 A. I kept him one time at my house and we
12 pretty much were up all during the night. And I
13 felt like I was feeding him constantly, but it
14 was because he sucked so much and he didn't get
15 enough, he would get tired and then he'd start
16 again, you know, he would try again. And it
17 wasn't until they went to MUSC --

18 Q. The second time?

19 A. -- the second time that they realized that
20 they had failed to give her the proper nipples
21 the first time. And --

22 Q. Are these the nipples you just go down to
23 Eckerd's and say I want 25 of them?

24 A. No, sir. I did some research on that and
25 looked on the internet at a web site of the brand

1 of nipples and they were not -- they were a
2 specialized nipple, they were not something you
3 just purchased.

4 Q. And they're especially for babies with soft
5 palates?

6 A. With soft cleft palates.

7 Q. When little ~~VICTIM~~ would spit up, did you
8 notice anything unusual about him versus another
9 baby?

10 A. Yes. Because of his condition he would --
11 usually it would come back through his nose, I
12 mean it would come out of his nose.

13 Q. Because there was no separation between the
14 sinuses and his mouth?

15 A. That's exactly right.

16 Q. Okay. And when you took care of little
17 Harley for that night, did you see any of that
18 going on?

19 A. Oh, yeah. I mean, babies spit up and
20 anytime a child spits up it would come out of his
21 nose.

22 Q. Out of his nose?

23 A. Yeah.

24 Q. How about with your own baby?

25 A. No. My children never spit up out of their

1 nose.

2 Q. Okay. Do you remember spending any time at
3 the hospital, did you go to the hospital that
4 eight days in December of 2000?

5 A. Yes, I did.

6 Q. And who was there?

7 A. Norma.

8 Q. Was she always there?

9 A. Every time I went. But I went to relieve
10 her one night so she could go home and spend some
11 time with Randall.

12 Q. Did she spend the nights at the hospital?

13 A. Yes, she did.

14 Q. In little VICTIM 's room?

15 A. Uh-huh (affirmative response).

16 Q. And who would relieve her? Did you do that
17 one night, too?

18 A. I relieved her one night. Ms. Judy would
19 come, Tammy would come.

20 Q. Judy Ankersen, the grandma?

21 A. Ms. Judy Ankersen.

22 Q. And Tammy Corbin would come?

23 A. Uh-huh (affirmative response).

24 Q. So he was in the hospital eight nights?

25 A. Right.

1 Q. Now, after they got home with the new
2 nipples did you notice anything change about
3 VICTIM's appearance and his ability to be
4 nourished?

5 A. Yes. That's when he started growing, that's
6 when he started developing, you know, and putting
7 on weight.

8 Q. He took off like a rocket, didn't he?

9 A. You could describe it as that.

10 Q. So the biggest difference you noticed
11 between his sort of emaciated, malnourished state
12 and two weeks later was the hospital stay and the
13 nipples?

14 A. That's correct.

15 Q. He had no problems after that being fed?

16 A. Didn't seem to be, not anytime that I was
17 around him.

18 Q. Did you ever warn your sister about her drug
19 abuse, or do anything, you wish you had done
20 something different?

21 A. In February she showed up at mama's house
22 late one night and I just happened to call. And
23 I knew for Norma to have been there at eleven
24 o'clock at night that there was something wrong.
25 And that night we kind of, I guess you would say,

1 cleared the air and she knew exactly where I
2 stood, that I felt like she needed help and she
3 needed help from the abuse as well as the drugs.
4 So she knew where I stood on that issue.

5 Q. But she didn't listen?

6 THE COURT: You need to answer audibly
7 for us.

8 A. No, sir.

9 Q. You want to add anything else?

10 A. Yes, I would. Although I did not approve of
11 her and Randall's relationship, when she got
12 pregnant and wanted to be married, I am the one
13 who married them, I am a Notary. I had wished
14 that it would change them both. And despite
15 everything, Norma always was a good mother to her
16 children. I know she would never have
17 intentional harmed Harley in any way. And I do
18 ask for leniency, Judge, for her other two
19 children, she's made mistakes with them, but all
20 they know is that she is their mother and they
21 love her just for that fact.

22 Justin has come with me several times
23 to visit his mother, but being Caroline's age,
24 she talks to Norma, but we haven't wanted to
25 bring her to the prison to see Norma. But I just

1 ask for leniency for her family and to please get
2 her help with her drug problem.

3 Q. Thank you. That's all.

4 MR. BAILEY: No questions, Your Honor.

5 THE COURT: No questions. Very well.

6 We're going to take a short break at this
7 time, take about a 15-minute break.

8 (Whereupon, the witness steps down from the
9 witness stand.)

10 (Récess, from 3:15 p.m. to 3:51 p.m.)

11 THE COURT: All right. Mr. Bolus, as I
12 understand it you now wish to call witnesses
13 who would simply make a statement; is that
14 right?

15 MR. BOLUS: I had one more to put on
16 the stand.

17 THE COURT: You had one more to put on
18 the stand, all right.

19 MR. BOLUS: Tammy Corbin.

20 THE COURT: All right. If she'll just
21 come along and be sworn.

22 THE CLERK: Raise your right hand,
23 place your left hand on the Bible. Give us
24 your full name.

25 THE WITNESS: Tammy Corbin.

1 (Tammy Corbin, called as a witness, having
2 first been duly sworn, is examined and
3 testifies as follows:)

4 THE COURT: All right. If you would
5 please state your full name for the record
6 and spell your last name.

7 THE WITNESS: My name is Tammy Corbin,
8 C-o-r-b-i-n.

9 DIRECT EXAMINATION

10 BY MR. BOLUS:

11 Q. Ms. Corbin, how do you know Norma?

12 A. I met Norma in 1988 through some mutual
13 acquaintances.

14 Q. Are you familiar with her relationship with
15 the prior family, the Patricks?

16 A. Yes, I am.

17 Q. How would you describe that relationship?

18 A. They were a typical family, they were very
19 good, they were very involved in their son's
20 life. When I met them she only had one son at
21 the time, Justin, he was three. And they were
22 very involved in their relationship, they did a
23 lot of things as a family.

24 Q. Was Norma basically an optimistic person at
25 that point in her life?

1 A. Yes, she was.

2 Q. Did she enjoy married life?

3 A. Oh, yes.

4 Q. Okay. Are you familiar with the fact that

5 she -- I assume you are, that she went to Kings

6 Bay, Georgia, ended up divorcing her first

7 husband?

8 A. Yes, sir. I am.

9 Q. Getting a divorce?

10 A. Yes.

11 Q. How long have you known about a drug problem

12 in Norma?

13 A. I know that prior to her coming back here I

14 know that on and off she would take diet pills,

15 on and off prior to coming back here in '97, I

16 think.

17 Q. Did you see her deteriorate, her condition

18 deteriorate in the last few years?

19 A. Yes.

20 Q. What was happening?

21 A. After she had Caroline I had went and stayed

22 with her. Before, if I can just say, before

23 Caroline was born she had had a little bit of

24 problems, she had a placenta abruption and they

25 put her on medication and I went and stayed with

1 her.

2 Q. At Kings Bay?

3 A. Yes. And tried to help take care of her so
4 she wouldn't have to clean and do all that, so I
5 stayed with her. And she was, you know, scared,
6 but she was optimistic about it. And she was
7 happy about being pregnant, but her family life
8 was a little bit rocky at that time, she
9 wasn't -- they weren't getting along real well.

10 Q. He was working hard as a union president or
11 something?

12 A. Yes, he was.

13 Q. Kept him on the road a lot?

14 A. It just kept him very busy, very busy and he
15 had a lot of responsibility.

16 Q. Did they have a group of relatives or
17 friends down there, or were they all in
18 St. George?

19 A. She had a couple of friends down there that
20 she had made.

21 Q. She eventually moved back up here and
22 married Mr. Hall?

23 A. Yes.

24 Q. What is your interaction with Norma and
25 little Harley, what did you see? Were you around

1 them a lot?

2 A. Yes. And if I can just state when she was
3 pregnant with VICTIM, when we found out that she
4 was pregnant with VICTIM she was a little nervous
5 because of her previous pregnancy problems, but
6 she was very excited. And I went to her doctor's
7 appointments on several occasions with her to
8 see --

9 Q. Prenatal?

10 A. Yes. Before the baby, yeah. And she got an
11 ultrasound, I watched and we saw -- you know, I
12 got to see him as he was a boy and everything.
13 Which she already knew that, but I didn't.

14 Q. Did she seem excited about that?

15 A. Oh, she was very excited. Nervous, but
16 excited.

17 Q. Was she looking forward to the birth of her
18 new child?

19 A. Yes, she was.

20 Q. Okay. And after VICTIM was born, did you
21 help her and assist her with his needs since he
22 had the soft --

23 A. Yes, I did. On -- when -- about midnight,
24 November the 1st, midnight, I mean from
25 October 31st about midnight on the 1st of

1 November, Dale called me, her sister, and told me
2 that she had had the baby. And I was very
3 excited and I went there the next morning. When
4 I got there they were -- you know, Dale was
5 there, she acted -- and her -- and Ms. Judy was
6 there and Mr. Ben was there. And they were a
7 little nervous and they told me that Norma would
8 tell me that something -- that the doctor had
9 said that was a little not normal with VICTIM.

10 And when I saw Randall and Norma they
11 told me that the doctor had said that he had the
12 cleft palate, the soft palate. And we stood at
13 the window looking at him and he was so precious
14 and they were both so excited. And they had told
15 me that the doctor had discussed with them that
16 it was a common occurrence and that, you know,
17 later on when he got a little bit older that
18 surgery would correct it.

19 And if I can just say she had never
20 breast fed the other children, but for the three
21 months before she had him we had discussed it.
22 And I think Randall and her discussed it, too,
23 and she had decided that she wanted to try to
24 breast feed. And that day I did see her try,
25 they tried breast feeding and she couldn't

1 because of his palate, and he just couldn't do
2 it. And that upset her because she really wanted
3 to do that.

4 Q. Did you see how she went through the next
5 two or three weeks with problems with feeding the
6 child?

7 A. Oh, yes. Oh, yes. In fact, like Dale said,
8 she had these Playtex bottles and she had a
9 plunger that -- because the nipple wouldn't go
10 back far enough and he would suck, suck, suck, so
11 she would have to like try to force the milk into
12 his mouth so he could swallow. And she was very
13 particular even with me, you know, she would say
14 "Let me feed him and then you can hold him
15 because it's hard to do this."

16 And I believe Ms. Judy, she also let --
17 you know, she would do it and Dale could do it,
18 but, you know, I was a little more nervous with
19 him and she was a little more comfortable with
20 them helping her. She would plunge that thing
21 and he would work so hard until he would fall
22 asleep. And then a little while later, 20, maybe
23 30 minutes, maybe an hour she would do it again
24 and again trying to get him to -- you know, we
25 really thought that -- while I was there, and I

1 observed that he was consuming, you know,
2 something because, you know, she would keep doing
3 it often.

4 Q. Did you see any signs of her neglecting this
5 child or abusing this child as an infant?

6 A. Oh, no. Oh, never. Never.

7 Q. Did she act concerned about his condition?

8 A. Always, yes. And as a matter of fact, if I
9 could say this, two days prior after she had
10 already gone to her first baby appointment and
11 then when we were getting to the appointment
12 where the doctor wanted to send her to the MUSC,
13 two days prior to that she called me, she was
14 upset. She said, you know, "He's crying and I've
15 been feeding him and he's sucking, he goes to
16 sleep and he's sucking the bottle and I think
17 that he's not getting enough food. And I'm
18 trying and trying and trying and trying and
19 trying." And she would -- both of them would try
20 to, you know -- you know, feed him. And she said
21 that, you know, "Apparently he's not getting
22 enough. I have to take him to the doctor."

23 So that day we had an appointment at
24 WIC, the day that they took him to the doctor.
25 And I was ready for her to come get me because I

1 would go with her, WIC appointments and stuff
2 like that. And at nine o'clock, I believe in the
3 morning, she called me, she was very upset and
4 she said that they had admitted VICTIM to MUSC.

5 Q. Did you help her with that experience, MUSC?

6 A. Yes, I did.

7 Q. Did you stay overnight with her?

8 A. I didn't stay overnight, but I did stay
9 every day that she was there, I did go there.

10 Ms. Judy was there, Randall was there, I think an
11 aunt, she was there. There was a lot of family
12 that would come, but I did stay with her every
13 day. I would come and spend time with them in
14 the evening, or all day long with Norma if she
15 was there by herself.

16 Q. Did she spend most of her time there that
17 eight days?

18 A. Yeah. She only left the one night and
19 that's because she let Dale come. Because her
20 sister, she trusted her to be there, so Dale came
21 just for her to go spend the night, she needed a
22 little rest.

23 Q. After Harley got the new nipples, got the
24 new formula, did he improve?

25 A. Oh, he did. And it was so exciting. I can

1 tell you this, that they had done a lot of tests.
2 And he was so tiny and malnourished, but we
3 didn't -- you know, we didn't know that, you know
4 why, that she was upset. And they were both
5 upset that he was being poked. And I remember
6 them saying, you know, "Please, don't hurt my
7 baby. Don't hurt our baby."

8 And when they came back that one time
9 and said, well, we're going to -- we don't think
10 we need to, we got this nipple, he started
11 eating, he would -- I mean, as soon as they got
12 that nipple, and it was a special bottle --

13 Q. At the hospital they gave him a nipple?

14 A. Uh-huh (affirmative response). They gave
15 him a nipple with this special bottle that you
16 squeeze. And he was just eating, and just
17 started eating, eating, eating, and more sleeping
18 a little longer because he was eating more and
19 they were both just -- we were all just thrilled
20 that he was. You know, as a matter of fact, I
21 can say, I know this might be hearsay, but
22 Randall said, you know, "He's going to look like
23 a regular little baby now," you know, because he
24 began to eat, you know, that nipple. It was the
25 nipple.

1 Q. Did you ever have any interplay between the
2 two of them regarding their marital discord?

3 A. I don't...?

4 Q. Did you ever help her move out or do
5 anything or let her stay with you?

6 A. Yes. Yes, I did.

7 Q. How many times?

8 A. Well, she came -- she came to me several
9 times and stayed, you know, for a few hours and
10 then said she was going to her mom's, but she did
11 come to me in February.

12 Q. Of what? This year? 2001?

13 A. Yeah. Yes, 2001. Around, probably, right
14 after Valentine's Day, I think it was the next
15 day she came to me and said that her and Randall
16 had gotten into an argument and he threw his ring
17 at her and told her, you know, to leave. And so
18 they had gotten into an altercation kind of, that
19 she was a little bruised up and she came and
20 stayed with me. She stayed with me from
21 Thursday, Friday, Saturday, Sunday, Monday, about
22 five days of that first week, about five or six
23 days, her and VICTIM.

24 Q. Then she went back home?

25 A. I can't say if she went back home. She did

1 not say she was going back home, but she did
2 leave.

3 Q. She ended up back home, though, eventually?

4 A. Well, she came back that next week to my
5 house.

6 Q. Why?

7 A. Because I guess she had went back, tried to
8 go back home and work things out and they got in
9 another argument and she just was really, really
10 upset. And when she came that next time she was
11 intoxicated, you know, she was under the
12 influence of drugs, you know, I could tell. And
13 we used to ride around and kind of just talk, you
14 know, and get things out. If she had a problem
15 we would ride around and talk about it. And she
16 came and stayed with me for another few days with
17 Harley.

18 Q. With VICTIM?

19 A. Yes.

20 Q. During this period of time was she taking
21 good care of VICTIM ?

22 A. Yes, she was. Very, very good.

23 Q. Did she change his diapers often?

24 A. Oh, yeah.

25 Q. Is she a particular, meticulous, neat

1 person?

2 A. Yes, she is.

3 Q. What was some of the weird little things
4 that she would do that you noticed at the house?

5 A. Well, I dusted her house one day and I had
6 thought I put everything back like it supposed to
7 except for this one little table. And when she
8 came home she said, "Oh, you dusted. Thank you."
9 And she moved the stuff back where it was
10 supposed to be. That's just Norma, she's just,
11 you know, like that, she likes everything to be
12 neat and tidy. So does my mother.

13 Q. Okay. Did you ever hear her in word or
14 action say or do anything indicating that she
15 would do this baby harm?

16 A. No. In fact, she told me on several
17 occasions that he was her little precious gift
18 from God and that he was what she was hoping that
19 would hold her marriage, which was very rocky and
20 not very happy. But she was hoping that it would
21 hold them together. And she did little things,
22 if I could say, that he did follow her. If I was
23 holding him and she walked around, he would
24 follow her with his eyes.

25 And this may be kind of funny, but when

1 she changed his diaper, and only Norma now, not
2 me, because when I changed a diaper he wouldn't
3 do it, he would raise his little bottom up so she
4 could tickle him because she did that to him.
5 And, you know, he did that only for her. And I
6 had gotten him to start -- he was ooing, ooh, and
7 aahh. And the last time that she stayed with me
8 she had given him a bath and she was in cleaning
9 the bathroom up and I was playing with him on the
10 bed and I kept saying, "Ooh, Mamma. Ooh, Mamma."
11 And she walked around the corner and he looked
12 right at her and that's the -- as far as I know
13 that's the only thing he ever said, was "Ooh,
14 Mamma," but he did say that.

15 And I know she loved him. He was her
16 little turtle, he was her precious little baby.
17 Anything he did she would call me. She would
18 call me. And just like any new mother, you know,
19 she would call me and say, you know, he did this
20 today and he started turning over, you know. And
21 she brought him to the house, laid him on the bed
22 with me, you know, we laid him on my bed with my
23 daughter and, you know, he flipped over, and, you
24 know, we were all so excited about that.

25 I mean, she loved her baby. She loved

1 her baby very, very much. And I have no doubts
2 in my mind. As a matter of fact, I have a
3 grandson and we had planned on that they would
4 grow up together, you know, and be best friends
5 so that, you know, they wouldn't be alone.
6 Because our children's ages are so -- you know,
7 so much farther apart. And it's just like
8 Caroline who is her tooky bear, you know, that's
9 her daughter. And she loves them and she did the
10 best thing for them with leaving them with Lamar
11 not knowing what her next step may be, you know,
12 where she would be with them.

13 And we talked about that a lot, because
14 being a friend, not a family member, being a
15 friend I wanted her to be able to come to me for
16 anything, whether I liked it or not, just to
17 stand by her, you know. And there was a lot of
18 things that I didn't agree with and she knew it
19 and it did have something to do with her and
20 Randall, but I tried really hard to, you know, be
21 there for her.

22 Q. Thank you very much.

23 MR. BAILEY: If it please the Court?

24 THE COURT: Yes, sir.

25

1 CROSS-EXAMINATION

2 BY MR. BAILEY:

3 Q. Ms. Corbin, the times that Ms. Hall would
4 come to see you and she would get upset with her
5 husband or something, she would bring VICTIM with
6 her?

7 A. Yes, sir.

8 Q. All right. And that would include the time
9 that she showed up at your house intoxicated?

10 A. Yes, sir.

11 Q. All right. Was she intoxicated on alcohol,
12 or drugs?

13 A. Not alcohol.

14 Q. Okay.

15 A. She was -- I suppose it was, you know,
16 methamphetamines.

17 Q. Okay. How could you tell that she was
18 intoxicated on methamphetamines when she came to
19 your house?

20 A. She was in an agitated state, she clenched
21 her teeth.

22 Q. Okay.

23 A. And I had seen her take diet pills before in
24 the past.

25 Q. Okay.

- 1 A. And so I knew that look.
- 2 Q. All right. So you knew she was on drugs?
- 3 A. Yeah, but I didn't know at the time exactly
- 4 what it was.
- 5 Q. Okay. But in court here today you described
- 6 her condition as being intoxicated; is that
- 7 correct?
- 8 A. Yes.
- 9 Q. And you stick with that definition?
- 10 A. Yes, I do. Yes.
- 11 Q. All right. How far away did you live from
- 12 her house?
- 13 A. About 20 minutes.
- 14 Q. Okay. How many miles?
- 15 A. About 20, 15 miles. I live in Jedburg.
- 16 Q. Okay.
- 17 A. I don't really know.
- 18 Q. How does she get from her house in
- 19 Dorchester 15, 20 miles, to your house?
- 20 A. She drove.
- 21 Q. With the baby with her while she was
- 22 intoxicated?
- 23 A. Yes.
- 24 Q. And this was in February?
- 25 A. Yes.

1 Q. Of 2001?

2 A. Yes, sir.

3 Q. Okay. Ms. Corbin, you had been into the

4 woods on the hunting club property behind the

5 Hall house which is on a dirt road; is that

6 correct?

7 A. Yes, sir.

8 Q. Okay. And you had been back there with

9 Ms. Hall; is that correct?

10 A. Yes, sir.

11 Q. And how did y'all -- what road did y'all

12 take to get back into the hunting club property?

13 A. We parked on Old Dam Road which is adjacent

14 to the -- I believe, if I remember correctly,

15 it's -- I'm a little nervous, but it's on --

16 Q. Okay.

17 A. Zion Road's here and then the Old Dam Road

18 is over here and then the hunting club is on the

19 opposite side.

20 Q. Okay.

21 A. So we --

22 Q. When y'all went on to the hunting club

23 property, you went through the hunting -- went

24 through the road system there and got up behind

25 the Halls' trailer; is that right?

1 A. No. We parked on Old Dam Road.

2 Q. Okay.

3 A. And we walked.

4 Q. Where did you and Ms. Hall walk?

5 A. We walked on Pine Hill Hunting Club and then

6 we ended up at the back of her property.

7 Q. Okay. And who led the way from Old Dam Road

8 through the hunting club property to the back of

9 the Hall trailer?

10 A. Well, we both walked the same. She knew a

11 little more about the area, but she had never --

12 as far as I know she didn't tell me that she had

13 ever walked there before, but we were kind of

14 lost. And both of us were together trying to

15 find out our bearings by looking at certain

16 things to the left.

17 Q. Okay.

18 A. Because it was to the left of where we were

19 walking.

20 Q. Okay.

21 A. And as a matter of fact, we got confused

22 because of dogs barking, we thought it was her

23 dogs barking, but we were way up from there so it

24 was further on down.

25 Q. Okay.

1 A. How we walked.

2 Q. You remember talking to Detective Marshall
3 back on May the 2nd, 2001 about nine o'clock in
4 the morning?

5 A. Yes, I do.

6 Q. Okay. And do you remember telling Detective
7 Marshall that you and Ms. Hall had gone back into
8 the woods and had hidden in the woods while she
9 spied on the house trying to catch her husband
10 with somebody?

11 A. Yes.

12 Q. Okay. And y'all didn't catch him with
13 anybody, did you?

14 A. No.

15 Q. Okay. And you told Detective Marshall that
16 Norma knows the area in the hunting club; is that
17 correct?

18 A. She knows, she knows right there by her
19 house, because when they bought the property or
20 when they were buying the property, you know, we
21 walked the edge of it, she had walked the edge of
22 it. So she knew her property line and knew that
23 it was adjacent to the -- like Westvaco and the
24 hunting club, yeah.

25 Q. Okay. And the roads on the hunting club

1 don't go all the way to the back of the trailer,
2 do they, you got to kind of walk down a fire
3 break and through the woods to get there?

4 A. Well, we didn't walk down the road. We
5 walked in like a field.

6 Q. Okay.

7 A. And we never really came up on a road. It
8 was like of like a four-wheeler kind of road.

9 Q. All right.

10 A. Not a real road.

11 Q. But to get to that four-wheeler road you had
12 to go in through the gates of the hunting club
13 property, through the regular road?

14 A. Right, but then we went to the left.

15 Q. Okay. And whose car were you all in?

16 A. We were walking.

17 Q. Okay. Walked all the way there?

18 A. Yeah, because we parked on Old Dam Road
19 which is across the street from Zion.

20 Q. I see.

21 A. You know, across.

22 Q. I know where it was.

23 A. Okay.

24 Q. And walked through the gate to the hunting
25 club property and found your way back around to

1 the back of the house?

2 A. Yes, sir.

3 Q. Okay. Thank you. That's all I have,
4 Ms. Corbin.

5 MR. BOLUS: Nothing further.

6 THE COURT: Very well. You may come
7 down.

8 (Whereupon, the witness steps down from the
9 witness stand.)

10 MR. BOLUS: Your Honor, I would just
11 have three people that would make unsworn
12 statements, including my client, her mother,
13 and Ernest Moultrie, but I believe that we
14 would be entitled to go last on that since
15 we're the defense. I think Mr. Bailey has a
16 couple impact statement witnesses.

17 MR. BAILEY: I do, Your Honor.

18 THE COURT: Okay.

19 MR. BAILEY: And I'm not sure
20 Mr. Moultrie is in the same category as the
21 family members giving victim impact. I
22 would agree not to cross-examine him, but I
23 think he probably ought to come out as part
24 of your --

25 MR. BOLUS: Do you want me to call him

1 now?

2 MR. BAILEY: If you don't mind.

3 MR. BOLUS: Ernest Moultrie.

4 THE COURT: Come on around, Major.

5 Come on around to Ms. Saulisbury.

6 (Ernest Moultrie, called as a witness,
7 having first been duly sworn, is examined
8 and testifies as follows:)

9 THE COURT: All right, sir.

10 DIRECT EXAMINATION

11 BY MR. BOLUS:

12 Q. Mr. Moultrie, you were formerly with the
13 Dorchester County Sheriff's Department?

14 A. Yes, sir.

15 Q. For how many years?

16 A. Thirty-two.

17 Q. And you reached the rank of major?

18 A. I reached the rank of chief deputy sheriff.

19 Q. Okay. I heard people call you Major, I
20 didn't know if that was an honorary term or
21 that's what you are.

22 A. During the time I was active, yes, sir.

23 Q. Okay. And how long have you known Norma's
24 family, and her mother and father and --

25 A. I knew them for many, many a years when

1 Norma was just a little child. I knew the
2 Charpias, the Knights, and her family.

3 Q. Were you working here for the Dorchester
4 County Sheriff's Department when Norma was
5 working for St. George, the county, Dorchester?

6 A. Yes, sir.

7 Q. Did you have a lot of interaction with her?

8 A. Yes, sir. Both of our office was at the
9 service building in Summerville. In fact, her
10 office was adjacent to mine.

11 Q. What did you think of her as a person
12 overall, and a worker, and employee of this
13 county?

14 A. From what I understand Norma was a good
15 worker. She was a real nice person, she --
16 during lunchtime she would never leave for lunch
17 without knocking on my door, asking whether I
18 wanted anything brought back from the restaurant.
19 She was a real nice person.

20 Q. Okay. And the stories you've heard and
21 seen, is that the Norma -- I mean, in terms of
22 how you knew her, is that the same person?

23 A. No, sir. That is not the same person. I
24 lost contact with Norma around about 1987, '86,
25 something like that, but that's not the Norma I

1 knew when we were at the service building in
2 Summerville.

3 Q. Would you -- are you asking the Court to
4 show some leniency and mercy toward Norma today
5 in sentencing?

6 A. I'm sure, yes, sir. I'm sure the family
7 would appreciate any leniency she can get.

8 Q. Thank you, sir.

9 THE COURT: Yes, sir.

10 CROSS-EXAMINATION

11 BY MR. BAILEY:

12 Q. Mr. Moultrie, people change over time, don't
13 they?

14 A. Yes, sir.

15 Q. Bad people go good, good people go bad?

16 A. It has happened, yes, sir.

17 Q. Thank you, sir. That's all I have.

18 THE COURT: Any redirect?

19 MR. BOLUS: No, ma'am.

20 THE COURT: All right, sir.

21 (Whereupon, the witness steps down from the
22 witness stand.)

23 THE COURT: As I understand it at this
24 point there is a -- that the way that,
25 counsel, you wish to proceed is that, if you

1 will, you wish to shift into victim impact
2 and you wish these individuals to be able to
3 just make a statement; is that right,
4 Mr. Bailey?

5 MR. BAILEY: That is my understanding
6 what Bolus wants to do.

7 THE COURT: All right.

8 MR. BAILEY: And I have no objection of
9 that, which of course would mean they would
10 not be sworn, would not be cross-examined.

11 MR. BOLUS: Yes.

12 THE COURT: All right. And you all do
13 that by stipulation and by consent; is that
14 correct?

15 MR. BAILEY: Yes, ma'am.

16 MR. BOLUS: I'm treating it, and I --
17 if I'm not wrong, like a regular plea at
18 this point in time. And in terms of
19 sentencing, somebody's going to make a
20 statement, you don't normally let the other
21 side cross-examine the family if they're
22 unsworn, so I think that's what our
23 agreement is, unsworn statement.

24 THE COURT: So long as it is an
25 agreement. I don't know that absent a --

1 your agreement that I would proceed in that
2 fashion, but if you all have an agreement I
3 want you to know that I have no objection to
4 it and I will allow you to proceed in that
5 fashion, but I want both of you just to be
6 very clear that you're doing that by
7 agreement.

8 MR. BAILEY: Yes, ma'am. And the only
9 thing that I -- the agreement is based on my
10 understanding that these people are going to
11 be giving victim impact testimony and
12 they're not going to be getting into any
13 factual stuff which would ordinarily be the
14 basis for cross-examination.

15 MR. BOLUS: Obviously that's our
16 agreement, just victim impact rather than
17 asserting something. Obviously if somebody
18 asserted something against Norma, I would at
19 least want to ask a question about it. Is
20 that our agreement?

21 MR. BAILEY: I don't anticipate anybody
22 asserting anything against her, they're
23 going to be giving victim impact statements.

24 THE COURT: All right. Very well,
25 Mr. Bailey.

1 MR. BAILEY: Your Honor, even though
2 they're not actually witnesses if they could
3 assume the witness chair.

4 THE COURT: Oh, I think so, Mr. Bailey,
5 it would be appropriate.

6 I do need you, sir, when you have
7 been seated and the microphone is in place,
8 I do need you to, please, identify yourself.
9 So if you'll state your full name and spell
10 your last name, please, for the record.

11 THE WITNESS: Benjamin Franklin
12 Ankersen, A-n-k-e-r-s-e-n.

13 EXAMINATION

14 BY MR. BAILEY:

15 Q. Okay. Mr. Ankersen, who you are married to,
16 sir?

17 A. Randall's mother, Judith Ankersen.

18 Q. All right. How long have y'all been
19 married?

20 A. Be 31 years this May.

21 Q. All right, sir. And you are VICTIM
22 's grandfather?

23 A. Yes, I am.

24 Q. All right. He was named after you?

25 A. Yes, he was.

- 1 Q. All right, sir. And do you have something
2 that you would like to share with the Court in
3 regard to your feelings about the baby's death?
- 4 A. Yes, I would. I am VICTIM 's paternal
5 grandfather, also known as Papa. I was teaching
6 him that word to recognize me. And my other
7 eight grandchildren, they are familiar with that
8 term. And November the 1st, 2000 was one of the
9 proudest days of my life. I got a phone call
10 that Norma was in the hospital giving birth to my
11 grandson. I was very, very proud. And I saw
12 VICTIM at least every two weeks.
- 13 Q. All right. Where were you all living then,
14 you and your wife?
- 15 A. In Florida. We still live on Amelia Island,
16 Florida.
- 17 Q. You would come from Florida every two weeks
18 for visitation?
- 19 A. Every two weeks at a maximum. We bought a
20 place up at Santee and we're working on that.
21 And that all has to do with the plans that I had
22 that I knew that when VICTIM got here that his
23 second birthday and my retirement were going to
24 coincide pretty close, within 30 days of one
25 another.

1 . And I had completed the paperwork to
2 purchase him a lifetime hunting and fishing
3 license in South Carolina. Now, I'm not a
4 hunter. I figured that his father is a hunter
5 and his father would teach him how to hunt. My
6 plans was to have a two year old and myself learn
7 to fish together.

8 When Norma and Randall named VICTIM I
9 want you to know the pride that -- the feeling of
10 pride that I have and the happiness. VICTIM

11 was going to be that extension of my
12 life that everyone wants and craves for. He
13 made -- his tiny footprints made indelible prints
14 upon my heart. I mean, he came into this world,
15 into my world, and into our world very silently
16 and he didn't stay very long, but his impact is
17 felt by all.

18 And we had -- VICTIM and I had a
19 special bond. I mean, I could hold him. When I
20 would go visit him I would hold him, feed him,
21 laugh with him. I mean, he just touched my
22 heart. I mean, he was -- I said on numerous
23 occasions to his dad and to Norma that as soon as
24 he gets potty trained I'll be calling from the
25 interstate to swing by to pick him up and to take

1 him to Santee with us so that we can spend that
2 time together. I mean, grandchildren are very
3 special.

4 And I feel at this point that I have
5 been cheated out of this renewal of life that
6 VICTIM had brought to me. And I miss him more
7 than any words that I could say today could ever
8 express. I mean, there's an emptiness here that
9 will never be filled and I just -- I miss him so
10 and it's just tragic that we lost him in the
11 manner that we did. And I -- you know, that's
12 all I have to say.

13 Q. Thank you, sir.

14 THE WITNESS: I thank you, Your Honor.
15 (Whereupon, the witness steps down from the
16 witness stand.)

17 THE COURT: All right, Mr. Bailey.

18 Ladies and gentlemen who are in
19 the courtroom, be mindful that you must
20 maintain your decorum. I know that it is
21 very emotional and I certainly appreciate
22 that, but being mindful of the decorum you
23 must hold your emotions, you must keep
24 control of your emotions. If you cannot,
25 then I invite you to step out of the

1 courtroom to compose yourself and then
2 return.

3 Thank you, Mr. Bailey. If you
4 would please call --

5 MR. BAILEY: Mrs. Ankersen.

6 THE COURT: Yes, ma'am. If you would
7 please be seated. When you have been seated
8 and the microphone is in place, if you would
9 please just identify yourself for the record
10 and spell your last name.

11 THE WITNESS: I'm Judith H. Ankersen.

12 EXAMINATION

13 BY MR. BAILEY:

14 Q. Ms. Ankersen, your husband was just sitting
15 where you're sitting; is that correct?

16 A. Yes.

17 Q. And Randall was your son?

18 A. Yes.

19 Q. And VICTIM was your grandson; is that
20 correct?

21 A. My grandson, yes.

22 Q. All right. Would you please, Ms. Andersen,
23 just tell the judge in your own words how
24 VICTIM 's -- what VICTIM meant to you and what his
25 loss has meant to you?

1 A. Well, VICTIM was special. When Norma and
2 Randall got married I just could not have been
3 any happier. The first day I met Norma I loved
4 her. She was, I felt, blended in with our family
5 as -- and I come from a big family, there's
6 probably 58, 59 of us. I have four sisters and
7 one brother and we with all our children and --
8 and my mom and dad kept us really close. And we
9 have a lot of functions together and Norma was as
10 much a part of our family as we were.

11 I actually brought this little book and
12 I wanted to share some of the photos because --
13 and I made Norma one. As I made photos for
14 myself, I also made photos for Norma and Randall,
15 but -- you know, and we shared Christmases
16 together, we shared everything.

17 . And Norma and Randall shared VICTIM so
18 much with me. She shared her pregnancy with me.
19 When VICTIM was -- when she went to the hospital
20 they called, we got there probably an hour after
21 VICTIM was born and we came and we stayed. And I
22 think Dale actually went home with her when
23 she -- for a day or two and I came and I stayed
24 the rest of the week. I would venture to say I
25 stayed in their home maybe two nights every week.

1 For the first week I probably stayed four or
2 five. I came and went and I would say I stayed
3 in their home six nights a month.

4 I would come up sometimes on Wednesday
5 and I would stay Wednesday and Thursday and Ben
6 would come on Friday, so that I could have some
7 time with VICTIM and give Norma some time to
8 herself and so that she could get rest. VICTIM
9 was -- he was very difficult in the beginning to
10 feed. And it's just as Dale said, he would suck
11 for 20 minutes and sometimes he'd only get half
12 an ounce. But I did want to share some of these
13 photos with you, if it's possible.

14 THE COURT: If so I want Mr. Bolus to
15 have an opportunity to see those
16 photographs, see if he has any objection.

17 MR. BOLUS: No objection.

18 THE COURT: All right. Very well.
19 Counsel, do you wish them to be marked?

20 MR. BAILEY: Your Honor, unless
21 Mr. Bolus --

22 MR. BOLUS: I don't think we need them
23 as part of the record.

24 MR. BAILEY: I'm sure she wants them
25 back, Your Honor, and I don't think they

1 need to be made part of the record.

2 **THE COURT:** All right. Very well.

3 A. We had -- I had kept **VICTIM** for the weekend
4 two weeks prior to all of this happening and I
5 had had some photos taken with him. And then one
6 of the -- one of Randall and Norma's friends I
7 think about maybe three weeks prior to that or
8 whenever the festival was, I think the Azalea
9 Festival, one of their friends, a little girl had
10 gotten a camera for Christmas and she had taken
11 some photos.

12 And probably a month or two after
13 **VICTIM** 's death she just said to me, she said, you
14 know, "I remember her taking some pictures of
15 **VICTIM** ." And I told her, I said, "Well, if
16 you'll bring me the film, all of it, I'll have it
17 all developed." And there was, there was a
18 beautiful picture of **VICTIM** . And this was the
19 latest pictures of him. This picture was made
20 when he was only four months old.

21 Q. How did it come about that those buttons
22 were made, Ms. Ankersen?

23 A. Well, the very first day that **VICTIM** went
24 missing I was just convinced that he was
25 somewhere in the community, that maybe someone

1 had either dealt with Norma and that she wasn't
2 well and maybe they had taken the baby, or maybe
3 Norma felt she wasn't well and gave the baby to
4 someone.

5 And always incidences when I've heard
6 of children missing they do pictures on paper and
7 I decided to do buttons to give out to the
8 community of St. George so that someone would
9 notice him missing. They were supposed to have
10 been a victory button because I just knew that we
11 were going to get him returned to us. And so
12 that's where the buttons came about. I just
13 thought that it would be something that if I gave
14 into the community that someone would remember
15 this precious little boy and return him to us.

16 But I had thought that you might enjoy
17 seeing some of the later pictures of him. And
18 those actually are the last ones, the one from
19 the bottom. This one here is the one the little
20 girl had taken.

21 Q. Ms. Ankersen, while the judge is looking at
22 that, did you have something written out that you
23 wanted to refer to?

24 A. I actually had written a -- Randall and I
25 had talked about the victim statement and I

1 actually have his statement that -- if I may
2 read. And it's more to the judge, it's not
3 really to -- but if I may read that.

4 THE COURT: All right.

5 A. And it was how this has changed your family
6 situation. "Yes, my family situation has changed
7 drastically. My wife has killed our baby, she
8 has destroyed our little turtle. My heart has
9 been ripped out. My entire family is now lost to
10 me. I get up in the mornings and the first thing
11 I hear is quietness. My baby boy is not crying
12 for his bottle, I do not see his first smile of
13 the day. My family of three has become a family
14 of one. Why do I get up? Why do I go to work?
15 I really don't know. I know I have a God, but I
16 wonder where he is. I need him. I feel alone.
17 I am scared. For the first time in my life I am
18 afraid. What do I do? My mom and dad help as
19 much as they can. I have brothers, I have a
20 sister, I have friends, their lives are moving
21 on. They're probably tired of being sad. I am,
22 too. However, sad is what I am.

23 "My parents love me, I know they do. I
24 have friends who love me, but they're not VICTIM.
25 They're not Norma. I love my wife. I can

1 forgive her for everything hurtful she has ever
2 said or done to me, except for that one
3 life-altering act. She killed our baby son.
4 I'll never see him on this earth again to smile,
5 I will not see him walk, I will not hear his
6 laughter. I only hear him crying. Why couldn't
7 I protect my baby boy? Why? He was mine, little
8 turtle.

9 "My favorite poem is *Footprints*. I
10 cannot feel God smiling on me, I do not feel his
11 hands upon me, but he must be carrying me while I
12 walk and talk because I know I do not have
13 strength to do it alone. I only wish I could
14 feel more of God's presence. I know that I must
15 feel him again because I have to see my *VICTIM*
16 one day when I reach heaven, too.

17 "I do have another son, Wade. I love
18 him, although it is difficult for me to
19 communicate with him. I think, after all, I am
20 the parent, the strong one. I do not feel
21 strong. I am to be the protector. I could not
22 protect Harley. He was my sweet little baby boy,
23 he was our little turtle.

24 "Close relationships are so scary.
25 Who am I? I don't know. I feel cheated from my

1 future. VICTIM was such a good baby, he asked
2 for so little. He had a happy smile, he had a
3 happy heart. I want to touch him. I want to
4 feel him. Yes, I've even thought of moving, but
5 where would I go? I have the same broken heart
6 to take with me that I have here where I'm
7 staying. I have to live with the guilt that I
8 had care of VICTIM on the morning of April 20th
9 and I allowed Norma in her state to leave our
10 home with our baby, but I never dreamed that I
11 would not see him again." That's Randall's
12 statement to the Court.

13 Mine is: "We really do not expect to
14 find any joy in your sentence, none at all.
15 However, we do expect to have a measure of
16 justice. VICTIM's death is the result of your
17 choices, of your decisions. You, Randall, both
18 our families have lost a precious part of our
19 present and our future. Your crime has affected
20 our lives and it has affected our hearts. VICTIM
21 was a renewal of life, he was an opportunity for
22 you and Randall to make things right. You and
23 Randall were given by God a precious gift, you
24 were given a second chance for parenting. Your
25 appreciation was short lived. You cheated each

1 of us, you cheated yourself.

2 "I truly thought that you loved my son.
3 I thought you loved us as a family. We loved
4 you. I came here today and I hope this whole
5 week with God's grace, and I want to say whatever
6 mercy shown to you by this Court is more mercy
7 than you showed to VICTIM." Thank you.

8 Q. Thank you, Ms. Ankersen.

9 MR. BAILEY: Your Honor, indulge me one
10 minute, please.

11 THE COURT: Yes.

12 (Whereupon, the witness steps down from the
13 witness stand.)

14 MR. BAILEY: Your Honor, that's all we
15 have.

16 THE COURT: Very well. Thank you,
17 Mr. Bailey.

18 All right, Mr. Bolus.

19 MR. BOLUS: Your Honor, I would like to
20 call Mrs. Maybin, Alice Maybin.

21 THE COURT: All right. Yes, ma'am. If
22 you would just come along and be seated.
23 Can you swing that microphone over just a
24 little? Thank you.

25 I need you to identify yourself,

1 and please state your full name for the
2 record and spell your last name.

3 **MS. MAYBIN:** My name is Alice Padget
4 Maybin, M-a-y-b-i-n, I am Norma Hall's
5 mother. And there's not much I can say
6 other than what's been said already, that I
7 love my daughter very much, she's a very
8 good person, very smart person. And, yes,
9 ma'am, she has made mistakes over the years,
10 but I do know that she loved her children
11 very much. And I do know she took good care
12 of them and I know she loved *VICTIM*. And we
13 also loved *VICTIM* very much, I was there
14 when he was born and we miss him dearly,
15 too.

16 But the point is this tragedy
17 happened and we can't undo it. And I just
18 want to say that I do beg you to try to get
19 her the help that she needs for the drug
20 abuse and also the mental and physical abuse
21 that she went through. And also to, please,
22 be lenient so that maybe she can spend some
23 time with her other children. Thank you,
24 Your Honor.

25 **THE COURT:** Thank you.

1 (Whereupon, the witness steps down from the
2 witness stand.)

3 THE COURT: All right. Yes, sir.

4 MR. BOLUS: Your Honor, my client would
5 like to, I think as the defendant has a
6 privilege or right, however you want to say
7 it, to make a statement to you before you
8 pass sentence.

9 THE COURT: Certainly.

10 MR. BOLUS: So at this time she would
11 like to do that. Can she stand here?

12 THE COURT: She certainly may. Of
13 course I just need her to be sure she's
14 identified herself for the record,
15 Mr. Bolus.

16 MR. BOLUS: You need to identify
17 yourself.

18 MS. HALL: Norma Hall.

19 THE COURT: All right.

20 MS. HALL: VICTIM 's mother. Your
21 Honor, I'd like to start today by saying
22 that I take responsibility and
23 accountability of my actions concerning the
24 death of my son, VICTIM . Yes,
25 I have made a lot of bad choices. Please

1 know that I loved my baby dearly, and, Your
2 Honor, very close. He was always with me,
3 he had special needs and I tried to meet
4 those needs.

5 Almost daily he and I would go
6 riding in the car down dirt roads near our
7 home and go to the river and different
8 places just to get out of the house for a
9 little while. And this was not unusual.
10 And so, therefore, riding down the dirt road
11 on that Saturday, April the 21st, it didn't
12 seem like it would be such a mistake, but it
13 was.

14 Please recognize that I've had
15 marijuana and methamphetamine addiction for
16 quite some time. I realize now the
17 destruction that these drugs have brought to
18 my life and to many people's lives. I was
19 in need of help. I was very confused, very
20 messed up. Between thinking my husband
21 didn't love me, abusiveness, depression, and
22 drugs I was a very confused woman.

23 Judge, I never intended to
24 deliberately hurt my child. I had no
25 deliberate actions of premeditation or

1 malice aforethought. I drove onto the
2 unfamiliar property, I lost my sense of
3 direction, I became bogged down, I tried
4 continuously to get unbogged. I was
5 frightened beyond recognition. And then on
6 Sunday morning my precious, beautiful baby
7 died and I was helpless in the woods and at
8 that time I lost all touch with reality.

9 I want to thank all of those who
10 exhausted all efforts to find VICTIM.
11 Please believe me when I say that I
12 sincerely apologize for being disoriented
13 and confused and not being able to remember
14 the events which made me have conflicting
15 stories. Although VICTIM is missed and
16 loved by many, he is not forgotten and I
17 miss tremendously. I have suffered the
18 deepest loss; he was my baby.

19 I ask today for forgiveness,
20 please, for those that I have disappointed
21 and I have hurt. Please know how remorseful
22 that I am. Judge, please be aware of the
23 fact I am guilty of reckless indifference.
24 I ask that you take all these things into
25 perspective for sentencing me. Please have

1 mercy on me. Thank you.

2 THE COURT: All right. Mr. Bolus, does
3 that conclude what you would present?

4 MR. BOLUS: Yes. Yes, Your Honor.

5 THE COURT: Very well. I'm going to
6 take a few minutes now and I will report
7 back whether or not the sentencing will be
8 this evening or in the morning, but we'll
9 take now about a 15-minute break.

10 (Recess, from 4:42 p.m. to 5:36 p.m.)

11 THE COURT: Thank you so much everyone,
12 and please be seated.

13 Counsel, if you wish certainly to
14 argue, and I certainly want to hear from
15 you, I don't want to keep you from being
16 able to do that. Of course, over the
17 process particularly of yesterday and today
18 I've had an opportunity to listen to you and
19 listen to your witnesses. What I have not
20 afforded you is an opportunity to state your
21 positions regarding sentencing, and I
22 certainly want to hear from you if you wish
23 to be heard.

24 Mr. Bailey.

25 MR. BAILEY: Your Honor, just very

1 briefly.

2 THE COURT: Yes, sir.

3 MR. BAILEY: There may be some cases,
4 Your Honor, in which a 20-year sentence
5 would be appropriate for homicide by child
6 abuse. I'd submit this is not one of them.
7 I'm not going to go into all the detail that
8 you've heard again, or rehash that about
9 this woman taking drugs while she was
10 pregnant with her daughter, driving around
11 with VICTIM when she was on drugs, I mean
12 you heard all of that.

13 The fireman that found that
14 child's body a year later expressed more
15 remorse here on that stand than this woman
16 did during the entire week here, Your Honor.
17 At the time he found that body, she knew
18 where that baby was. She knew at four
19 o'clock that morning, if not before that,
20 and held back and didn't tell anybody,
21 didn't tell her husband, didn't tell the
22 police until that afternoon.

23 The first story she had when she
24 came out of the woods, and that's why I
25 called Pamela Eckert, she cast blame on her

1 husband, she said her husband killed the
2 child. She kept with that story for a
3 couple of days. And as she sits here today,
4 Your Honor, she still blames her husband,
5 these allegations of child abuse.

6 Well, if this was a CDV case, if
7 she had shot or stabbed her husband, that
8 might have some relevance. Even the
9 psychiatrist, Dr. Donna Schwartz-Watts, says
10 there's no correlation between any alleged
11 abuse and the death of that baby. That baby
12 had nothing to do with it.

13 And I can't imagine to be sitting
14 where her husband was sitting there, losing
15 his child in that manner and being blamed
16 for it. This woman has not accepted
17 responsibility. She started off in her
18 unsworn statement saying she accepted
19 responsibility and then she gets back to
20 this reckless indifference or whatever her
21 little escape clause was.

22 Your Honor, she wants to blame it
23 on drugs, wants to blame it on her husband.
24 She made a conscious decision to ingest
25 methamphetamines. Her child ingested grass,

1 he didn't make a conscious decision to do
2 that. That child was totally helpless, six
3 months old, and is beaten to death and
4 forced to eat grass. And I submit, Your
5 Honor, that's homicide by child abuse, it's
6 a physical affirmative act, it's not
7 reckless indifference, it's not negligence,
8 it's not failure to pay attention, it's an
9 affirmative act that physically caused the
10 death of that child. Your Honor, I would
11 submit that a 40-year sentence would be
12 appropriate I would have to say. Thank you.

13 THE COURT: Thank you, Mr. Bailey.

14 Yes, sir, Mr. Bolus.

15 MR. BOLUS: Your Honor, the statute
16 calls for all mitigating circumstances. And
17 I made a list and remorse is certainly one
18 of them. People express remorse in a lot of
19 different ways. The poor fireman that got
20 on the stand, he's a very sensitive fellow,
21 I mean that's a remorseful person. Remorse
22 is expressed in a lot of different ways.

23 We have witnesses that we produced
24 that would clearly indicate that no matter
25 what her story was at the time it happened

1 and no matter for what reason she gave the
2 story, and you heard from our doctor, but
3 you also heard from their doctor who said
4 that, you know, a lot of these stories and
5 this kind of activity takes place in the
6 midst of marital abuse, but certainly while
7 you're under the influence of
8 methamphetamine. I think Norma has
9 expressed remorse.

10 You have heard from the lady that
11 had been in the jail for three and a half
12 months how Norma cried every night. I don't
13 know -- in terms of remorse, what are we
14 supposed to do? I mean, I've been to plenty
15 of pleas and Your Honor has had plenty of
16 pleas, remorse is expressed during the trial
17 at a plea, a lot of people are crying. I
18 don't know what the solicitor expects out of
19 us now in terms of showing remorse. I can't
20 take back the story that was, however you
21 want to look at it, at the time of the
22 incident, but the story was the way it was
23 then.

24 The -- there -- they try to come
25 in through the back door in terms of showing

1 prior abuse on this child. There was no
2 prior abuse of the child. The father
3 himself admitted, told the police she would
4 never hurt the child. Obviously he was
5 wrong in that regard in this incident, but
6 there's no prior pattern of abuse.

7 The solicitor calls for a 40-year
8 sentence. Well, you know, a 40-year
9 sentence to me seems like something that's
10 reserved for the purely evil minded, heinous
11 acting person who has a history of abusing a
12 child. You read about them all the time,
13 keeping them in closets, burning them with
14 cigarettes, things like that. I'm not
15 making an excuse for Norma because a child
16 is -- they say, you know, is dead as any
17 other way could have died, but the point is
18 a 40-year sentence or a life sentence, Your
19 Honor, to me is not proportionate to the
20 activity in this case. There is -- she took
21 care of this child, she loved the child and
22 we have witnesses that clearly support that.

23 Her being on methamphetamines
24 evidently now, you know, that is a
25 mitigating circumstance, Your Honor just has

1 to take that into consideration.

2 Going to her friend's house.

3 Well, you know, people unfortunately drive
4 while they're intoxicated, sometimes they
5 have their children, but for Your Honor to
6 latch onto that as an incident of abusing
7 Harley to give my client a 40-year sentence
8 I think would certainly be just draconian on
9 your part, it's overdone here.

10 Judge, there is no motive.

11 There's no motive in this, it's a senseless
12 kind of thing. A lot of child abuse, I
13 guess, we could always say is senseless, but
14 there's no motive here. And my client I
15 don't think is saying that the father's
16 responsible for this, but their witness,
17 Dr. Gibbs herself, said 78 percent of child
18 abuse cases if you look at them, 78 percent
19 are preceded by some sort of marital abuse.

20 And that's the kind of mitigating
21 circumstances Your Honor has to take into
22 account. A 20-year sentence is a harsh
23 sentence, that is the minimum. Life is the
24 maximum. Forty years I assert to Your
25 Honor, 40 years is tantamount to a life

1 sentence. I don't think this case merits a
2 life sentence. It's in your hands.

3 The minimum sentence may not be
4 enough for Your Honor, but certainly this
5 lady here has children, she loves children,
6 she would like to one day hold
7 grandchildren, life sentence, 40 years, is a
8 long time.

9 The prosecutor has his job and
10 he's done it eloquently, but the way this
11 case has come about and what Your Honor has
12 heard over the last two or three days
13 clearly indicates if anybody deserves some
14 mercy at this point in time it would be
15 Norma. She had a good life once, she threw
16 it away. And whatever the reasons were it's
17 a combination of a lot of things.

18 Judge, a person who is psychotic,
19 you give a psychotic 40 years seems to me
20 that you just disregard all the evidence you
21 heard from the Hall Institute, from
22 Dr. Watts. She's psychotic. She was
23 psychotic. In this state it doesn't excuse
24 you from your criminal actions, that's the
25 way it should be, but it certainly does

1 merit some mercy from the Court that she was
2 psychotic and she was detached from reality.
3 And I would ask Your Honor for a reasonable
4 sentence of 30 years or less and not 40
5 years and certainly not life. Thank you.

6 THE COURT: Thank you. All right. I
7 believe that the statute, of course I'm
8 referring to 16-3-85, and because the
9 statutory provision contemplates a hearing
10 regarding the aggravating as well as the
11 mitigating circumstances, I believe that it
12 is imperative upon me for the record to
13 indicate my finding with regards to
14 aggravating as well as mitigating
15 circumstances. And I will do that now.

16 A couple of things that I want to
17 begin with, and I asked Ms. Keil to come
18 back because I wanted to hear again some of
19 the words of the defendant. And what she
20 said was, that which she told me earlier at
21 the time of her plea, and that was she lost
22 all touch with reality after the child died.
23 So in her mind the psychosis began after the
24 child was dead. That very well may conflict
25 particularly with her own expert and it may

1 conflict with other testimony, but I think
2 it bears repeating here, that in her words
3 that she did not lose touch with reality
4 until after this baby was dead.

5 With regards to the aggravating
6 circumstances, it was testified to by
7 Dr. Sexton that most probably within a
8 reasonable degree of certainty, that this
9 child died as a result of multiple, multiple
10 blows to the head.

11 I have gone back and reviewed his
12 testimony. And while there is some
13 discussion about whether or not there were
14 two blows, I'm satisfied that in his opinion
15 there were four blows to the head.
16 Irrespective of whether there were two or
17 four, there were multiple blows to the head.
18 In accordance with Dr. Sexton's testimony,
19 and I so find that the force of the blows to
20 the head were the equivalent force as though
21 this baby had fallen from a two-story
22 building on his head.

23 Prior to his death, I find that
24 the defendant placed in his mouth grass,
25 some 20 blades of grass, or I believe it's

1 actually a rush. The grass was folded
2 several times. And I believe that it was
3 the doctor who testified this morning, the
4 forensic pediatrician, Dr. Davis? No,
5 that's not correct.

6 MR. BAILEY: Baker, Your Honor, I
7 believe.

8 THE COURT: Baker. Dr. Baker who
9 testified that swallowing this grass would
10 have been very, very difficult and choking
11 was likely. I find that it is likely that
12 he choked on the grass, although clearly
13 that was not the cause of death and that the
14 grass ended up in his stomach.

15 It's also important to note that a
16 six-month-old child has no teeth and no
17 ability to manipulate the grass so that the
18 wad of grass which she placed in his mouth,
19 somehow he was able to negotiate it down his
20 throat and into his stomach.

21 I further find that prior to his
22 death that the mother caused this baby to
23 ingest muddy water. And those are the only
24 substances found in this child's stomach.
25 Those apparently were the last foods or

1 substances that he was fed by the defendant.

2 I find that the mother took this
3 child into a wooded area and kept him there
4 for days while she was under the influence,
5 voluntarily, of methamphetamines to the
6 extent that she produced in herself a
7 drug-induced psychosis, which she said
8 occurred after the death of her child. In
9 addition to ingesting voluntarily the
10 methamphetamine, she also ingested alcohol
11 and marijuana.

12 I also find that there was glass
13 both in the child's seat and glass on the
14 child's back when he was found wrapped in a
15 plastic bag and some sort of rain jacket
16 hidden under straw in a shallow grave made
17 by his mother.

18 I find that the mother still
19 maintains that this child died while she
20 simply was away from the automobile. This
21 is not how this child died. This child
22 died, and I so find, by multiple, multiple
23 blows to his head by the mother. I find
24 that despite hundreds of volunteers, law
25 enforcement, firefighters looking for this

1 child, that the defendant failed to notify
2 law enforcement of the location of this
3 child and that in fact she sought to direct
4 law enforcement's efforts away from the
5 child and the child's location.

6 Even considering her own expert's
7 testimony regarding the psychosis, it was
8 some four o'clock a.m. in the morning until
9 sometime five o'clock p.m. in the afternoon
10 that she failed and refused to notify law
11 enforcement of the location of this child.

12 I note that her actions in
13 addition to all the other pain and anguish
14 she caused the family members, caused
15 tremendous anguish, obviously, to the
16 firefighter who found this child, and note
17 that his emotional upset was even
18 overwhelming as of today.

19 All of these occurrences were
20 within a short distance from the defendant's
21 home and on property that was familiar to
22 her.

23 There has been much discussion
24 about the defendant's failure to timely
25 realize her child's failure to thrive. And

1 I simply note that apparently the child was
2 in an acute situation such that when the
3 child was taken to the doctor, the doctor
4 felt compelled to require that this child
5 appear at the hospital within a very short
6 period of time, which expresses to me
7 substantial concern about the child's
8 health.

9 The mitigation that has been
10 forwarded for the Court's consideration has
11 been that of drug abuse. As you all know,
12 diminished capacity is no defense in South
13 Carolina, and in this instance I fail to
14 find it is a mitigating circumstance.

15 I also note that the injuries to
16 this baby were different. He had a
17 circular, scraping injury to the back of his
18 head and very differently shaped
19 hemorrhaging to the other parts of his head
20 as indicated on the exhibit which is the
21 head, which was testified to by Dr. Sexton.
22 I also note that Dr. Sexton testified, and I
23 so find that the blunt head trauma was not
24 caused by falling, but caused by a striking
25 by -- striking of this baby.

1 With regards to the other evidence
2 regarding the mitigation, I do find that
3 there was once a period of the defendant's
4 life when she was caring, concerned, polite,
5 a good worker. And that period was in the
6 '80s. I think that formerly those that
7 testified on her behalf talked about the
8 fact that in the past, perhaps not the so
9 recent past, she certainly was a good
10 person. That I find to be the mitigation
11 evidence which has been presented.

12 I find further that the solicitor
13 has been very generous in his recommendation
14 to the Court of 40 years and very balanced.
15 I do not think that a sentence of life would
16 be excessive under these circumstances.

17 Therefore, considering all these
18 matters, the testimony of all these
19 witnesses, the findings which I have made on
20 the record here today regarding the
21 aggravation, I find the State has proven
22 aggravation beyond a reasonable doubt. And
23 considering all these things, considering
24 that it is a parent's duty to protect a
25 child, it is a parent's duty when necessary

1 to protect that child from the parent if
2 required, I would also say that when that
3 fails, when the ability of a parent at
4 whatever cost to protect a child fails, and
5 when that becomes acceptable to a society,
6 then that society is at great risk.

7 Considering all these things, I'm
8 going to sentence you, Ms. Hall, and commit
9 you to the State Department of Corrections
10 for a term of 40 years. That will conclude
11 this matter.

12 MR. BAILEY: Thank you, Your Honor.

13 THE COURT: Very well.

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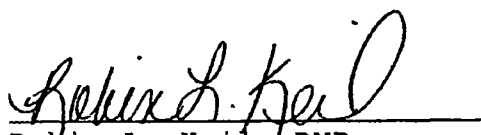
STATE OF SOUTH CAROLINA)
: C E R T I F I C A T E
COUNTY OF DORCHESTER)

I, Robin L. Keil, Registered Merit Reporter and First Judicial Circuit Court Reporter, certify that the preceding pages are a true and correct transcript of the proceedings had at the aforesaid time and place.

I certify that the same was reduced to typewritten form from my original stenograph notes by computer-aided transcription.

I further certify that I am not of counsel or kin to any of the parties to this cause of action, nor am I interested in any manner in its outcome.

IN WITNESS WHEREOF I have hereunto set my hand this the 8th day of October 2002.


Robin L. Keil, RMR
Resident Court Reporter
First Judicial Circuit

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Dorchester County

Diane Schafer Goodstein, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

NORMA PATRICK HALL,

APPELLANT

FINAL BRIEF OF APPELLANT

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TABLE OF CONTENTS

TABLE OF CONTENTS.....	1
TABLE OF AUTHORITIES	2
STATEMENT OF ISSUE ON APPEAL	3
STATEMENT OF THE CASE	4
ARGUMENT	5
CONCLUSION	12

TABLE OF AUTHORITIES

Cases

<u>North Carolina v. Alford</u> , 400 U.S. 25, 91 S.Ct. 160 (1970).....	4, 6
<u>State v. Caldwell</u> , 300 S.C. 494, 388 S.C. 816 (1990)	9
<u>State v. Johnson</u> , 333 S.C. 62, 508 S.E.2d 29 (1998).....	10
<u>State v. Stone</u> , 350 S.C. 442, 567 S.E.2d 244 (2000).....	9
<u>State v. Whipple</u> , 324 S.C. 43, 476 S.E.2d 683 (1996)	10

Statutes

S. C. Code §16-3-20(C)(b).....	9
S. C. Code §16-3-20(C)(b)(6)	9
S. C. Code §16-3-20(C)(b)(7)	9
S. C. Code §16-3-85(D).....	passim
S.C. Code §16-3-10(D)	10

STATEMENT OF ISSUE ON APPEAL

Whether the judge erred by refusing to consider appellant's diminished capacity due to drug use as a mitigating circumstance pursuant to S. C. Code §16-3-85(D), since there was evidence, and the judge found, that appellant was on drugs at the time she was in the woods with her child, and the sentencing consideration language of the statute was mandatory?

STATEMENT OF THE CASE

Appellant was indicted by the Dorchester County grand jury for the offense of homicide by child abuse. R. 419. She appeared on April 10, 2002, before the Honorable Diane S. Goodstein. M. Tommy Bolus represented appellant. Walter M. Bailey, Jr., was the solicitor. R. 1.

The purpose of the hearing was for Judge Goodstein to consider appellant's guilty plea to the crime of homicide by child abuse. R. 2, l. 2 – 70, l. 13. At the conclusion of that hearing, the judge refused to accept a plea to homicide by child abuse given the facts presented. R. 70, l. 21 – 73, l. 8. On April 15, 2002, jury selection began. R. 75, l. 1 – 75, l. 15. After jury qualifications, the judge was notified that appellant wished to enter a plea pursuant to North Carolina v. Alford.¹ R. 76, l. 13 – 82, l. 14.

On April 17, 2002, and April 18, 2002, the trial judge heard evidence in aggravation and mitigation of punishment pursuant to the mandatory provisions of S. C. Code §16-3-85(D). R. 101, l. 2 – 399, l. 25. Judge Goodstein then sentenced appellant to forty years imprisonment. R. 418, ll. 7-11.

This appeal follows.

¹ 400 U.S. 25, 91 S.Ct. 160 (1970).

ARGUMENT

S. C. Code §16-3-85(D) provides that the judge must consider aggravating and mitigating circumstances when sentencing a person for homicide by child abuse. The judge erred as a matter of law by ruling appellant's impaired state caused by drug use was not a mitigating circumstance she would consider. The language in the statute is mandatory, and it is well accepted in South Carolina that while diminished capacity is not a defense to a crime, it is a mitigating circumstance.

Relevant Facts

Appellant told the judge at the April 10, 2002, proceedings that "I was not in a normal frame of mind, I had been under the influence of amphetamines for days without sleep." R. 49, l. 24 – 50, l. 9. Appellant drove into the woods nearby her home with her baby son in her automobile. Appellant told the judge she often drove with her son down dirt roads "to get out of the house, ride to the river, whatever." R. 51, ll. 21-25.

Appellant acknowledged that at times she was "spying" on her husband — who would go into the woods — and whom appellant suspected of having an affair. On this occasion, her car "became bogged down that was never intended. I tried all efforts to become unbogged. I had things in the car to take care of the baby, I just didn't have a lot of water that I was in need of."

Appellant also admitted she was "doing an extreme amount of drugs at this time...I did not deliberately hurt my child or intentionally hurt my child." Appellant told the judge she lost her sense of direction in the woods after the car became stuck, and she started walking to find the way to the road. When she returned to the car about twenty minutes later, her child "appeared to be lifeless." Appellant tried to splash water onto the child to

wake him up and she surmised she apparently fell on top of him. "Evidently the impact of my body falling upon him killed him, which was an accident." R. 53, l. 14 – 54, l. 25.

"After he was dead, Your Honor, I did become psychotic. I was helpless, I didn't know what to do. I took off running in the woods before I got back to the car. I didn't have any clothes on, but whenever I got back to the car, I knew I needed something to put on me. I didn't have my keys, I had my clothes off somehow and I busted the back window out, which at the time, I still had Harley laying in the front seat, he had been dead for hours, though." R. 55, ll. 1-10.

As stated, after hearing the solicitor's version of the facts and appellant's narrative of what happened, the judge refused to accept a guilty plea to homicide by child abuse. R. 71, l. 21 – 72, l. 17.

After jury selection the following week, counsel Bolus informed the judge appellant would plead pursuant to North Carolina v. Alford. R. 81, l. 22 – 83, l. 16.

Evidence

A hearing was then held to present aggravating and mitigating evidence. Aggravation and mitigation witnesses were not all presented in order, for the convenience of the witnesses.

Defense witness Jonathan Hehn was the former County Administrator. He testified appellant was a "very sharp" worker for the county, and she was upset when he was terminated. Hehn said he later learned appellant had become involved with drugs. R. 115, l. 15 – 120, l. 11.

James Bell had been the county attorney, and was a defense witness. He testified appellant had been a good worker for the county. He essentially testified that appellant was

not the "type of person" that would have let this happened to her child, and he understood that "drugs were involved." R. 125, l. 12 – 126, l. 25.

Dr. Joel Sexton testified for the state that the child somehow suffered four blows to the head causing "subarachnoid and subdural" hemorrhages. R. 135, l. 12 – 139, l. 9. Dr. Sexton acknowledged that he could not say that appellant was not running with the child, and fell on top of him in the woods, thereby hitting his head on "a fairly flat surface." R. 151, l. 12 – 153, l. 25.

Grass or plant substances were found in the child's stomach at the autopsy. Rudolph Mancke, a professor of natural history at the University of South Carolina, and founder of "Nature Scene" on ETV, testified for the state about the grassy substance. Mancke identified the material recovered from the bottom of the canal in Dorchester County, and from the child's stomach, as "Baldwin spike-rush, *eleocharis baldwinii*." R. 102, l. 20 – 106, l. 13. Mancke said he thought the particular plant could not have been found in the child's stomach in the "folded manner" unless "human hands were involved."² R. 108, l. 19 – 110, l. 13.

Dr. Donna Schwartz-Watts testified for the defense. R. 256, ll. 20–23. Dr. Watts opined appellant had a major mental illness which needed treatment. "She does suffer from amphetamine dependence." Appellant had done eightballs of crank during the week that this happened. One of the bi-products of this type drug use can be confusion. R. 261, l. 1 – 265, l. 22. Appellant was also getting a totally inadequate amount of sleep given the effects of the drugs. R. 278, l. 7 – 279, l. 22.

² It was apparently one state's theory of the case that appellant tried to suffocate the child with the substance, and then the child was killed somehow by blows to the head.

Defense argument

Defense counsel Bolus argued that "her being on methamphetamines evidently now, you know, *that is a mitigating circumstance, your honor just has to take that into consideration.*" (emphasis added). Bolus said that a forty year sentence — which the state was recommending — given appellant's intoxication "would certainly be just draconian on your part, its overdone here." Counsel said given that given the mitigation a sentence of thirty years or less was proper. R. 408, l. 14 – 411, l. 5. At the conclusion of the sworn testimony, which took two days of court time, the trial judge put her findings on the record. R. 411, ll. 6-15.

Findings and sentence

The judge found there were four blows to the child's head and that appellant placed some twenty blades of grass in the child's mouth. The judge found "it is likely that he choked on the grass, although clearly that was not the cause of death and that the grass ended up in his stomach." R. 412, l. 23 – 413, l. 14. Most significantly, the judge said:

I find that the mother took this child into a wooded area and kept him there for days while she was under the influence, voluntarily, of methamphetamines to the extent that she produced in herself a drug-induced psychosis, which she said occurred after the death of her child. In addition to ingesting voluntarily the methamphetamine, she also ingested alcohol and marijuana.

R. 414, ll. 2-11. The judge then stated, "the mitigation that has been forwarded for the court's consideration has been that of drug abuse. As you all know, *diminished capacity is no defense in South Carolina, and in this instance, I fail to find it is a mitigating circumstance.*" R. 416, ll. 9-14. (emphasis added). The judge then rejected the defense mitigation sentencing argument, stating that the solicitor was generous to recommend a

forty- year sentence, and that a sentence of life would not have been excessive. R. 417, ll. 12-16. As seen, the judge sentenced appellant to forty years imprisonment.

Discussion

The trial judge erred as a matter of law in ruling appellant's diminished capacity was not a mitigating circumstance. In this context, much of the law obviously will come from the aggravating and mitigating circumstances applicable in death penalty cases, since the issue sentencing hearing issue is still novel in the context of homicide by child abuse.

In State v. Stone, 350 S.C. 442, 567 S.E.2d 244, 248 (2000), the Court noted that while voluntary intoxication is not a defense to a criminal act or actions, it was reversible error for the trial judge not to instruct that voluntarily intoxication was nonetheless a mitigating circumstance.

Further, pursuant to S. C. Code §16-3-20(C)(b), there are several mitigating circumstances where voluntary intoxication or drug use becomes relevant. S. C. Code §16-3-20(C)(b) provides a mitigating circumstance where the "defendant was under the influence of mental or emotional disturbance.

Similarly, S. C. Code §16-3-20(C)(b)(6) provides a mitigating circumstance where "the capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law was substantially impaired. Further, the mentality of the defendant at the time of the crime can be a mitigating circumstances." See S. C. Code §16-3-20(C)(b)(7).

The General Assembly in enacting S. C. Code §16-3-85(D) mandated that the trial judge *must* consider aggravating and mitigating circumstances when sentencing a defendant for homicide by child abuse. The General Assembly has also indicated by its enactment of

mitigating circumstances in death penalty cases its view that diminished capacity is a mitigating circumstance. Further, it has traditionally been viewed as not a defense, but a matter in mitigation.

The judge erred as a matter of law by ruling she would not consider evidence of appellant's diminished capacity because of drug use as a mitigating circumstance. See State v. Caldwell, 300 S.C. 494, 388 S.C. 816 (1990). She did not have the discretion under the mandatory terms of the statute.

The defense did all it could to have the judge consider appellant's intoxication which caused her to become confused, and perhaps irrational while in the woods, as a mitigating circumstance.³ Dr. Donna Schwartz-Watts provided expert testimony on appellant's drug addiction, and there was lay testimony that appellant had been a good worker and good person absent the effects of drugs.

Defense counsel then argued the judge had to consider this evidence of drug intoxication in mitigation of punishment, and the judge made a specific finding that appellant was on drugs at the critical time. However, she then ruled she would not consider this as evidence in mitigation.

Here, the "punishment stage" was by bench rather than jury trial, as provided by statute. However, that statute, S.C. Code §16-3-10(D), provides the judge *must* consider any mitigating evidence while sentencing a person for homicide by child abuse. A judge is not free under this mandatory provision to rule that he or she will not consider a well established

³ See State v. Johnson, 333 S.C. 62, 508 S.E.2d 29, 30-31, n. 1. (1998) (explaining State v. Whipple, 324 S.C. 43, 476 S.E.2d 683 (1996). All defense counsel is required to do is

mitigating circumstance — diminished capacity — when sentencing a defendant for homicide by child abuse.

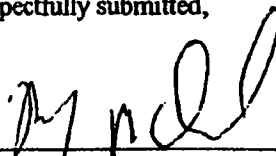
Appellant respectfully submits she should be allowed to withdraw her *Alford* plea since the judge refused to consider her drug impairment, indeed her drug addiction, at the time of the tragic events as a matter in mitigation of her punishment. In the alternative, a new sentencing hearing should be ordered pursuant to S.C. Code §16-3-85(D).

request a charge on the record, and a further objection or exception was not required if the judge refused the defense on-the-record request).

CONCLUSION

By reason of the foregoing argument, appellant's Alford plea should be vacated. In the alternative, appellant should be granted re-sentencing after a sentencing hearing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. M. Dudek', written over a horizontal line.

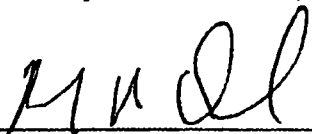
Robert M. Dudek
Assistant Appellate Defender

ATTORNEY FOR APPELLANT

This 7th day of October, 2003.

CERTIFICATE OF COUNSEL

The undersigned certifies that this Final Brief complies with Rule 211(b), SCACR.



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October 7, 2003

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Dorchester County

Diane Schafer Goodstein, Circuit Court Judge

THE STATE,

RESPONDENT,

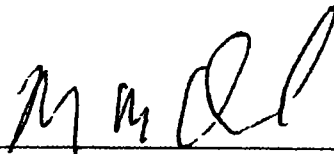
V.

NORMA PATRICK HALL,

APPELLANT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Final Brief of Appellant in the above referenced case has been served upon David Spencer, Esquire, this 7th day of October, 2003.



Robert M. Dudek
Assistant Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 7th day of October, 2003.

Sandra B. Wise (L.S.)

Notary Public for South Carolina

My Commission Expires: February 3, 2005